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Federal Register

Thursday
February 6, 1986

Briefings on How To Use the Federal Register—
For information on briefings in St. Louis, MO, and Denver, CO, see announcement on the inside cover of this issue.

Selected Subjects

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How To Cite This Publication: Use the volume number and the page number. Example: 51 FR 12345.

Selected Subjects

THE FEDERAL REGISTER: WHAT IT IS AND HOW TO USE IT

FOR: Any person who uses the Federal Register and Code of Federal Regulations.

WHO: The Office of the Federal Register.

WHAT: Free public briefings (approximately 2 1/2 hours) to present:
1. The regulatory process, with a focus on the Federal Register system and the public's role in the development of regulations.
2. The relationship between the Federal Register and Code of Federal Regulations.
3. The important elements of typical Federal Register documents.
4. An introduction to the finding aids of the FR/CFR system.

WHY: To provide the public with access to information necessary to research Federal agency regulations which directly affect them. There will be no discussion of specific agency regulations.

ST. LOUIS, MO

WHEN: March 11; at 9 am.

WHERE: Room 1612,
Federal Building,
1520 Market Street, St. Louis, MO.

RESERVATIONS: Delores O'Guin,
St. Louis Federal Information Center.
314-425-4109

DENVER, CO

WHEN: March 24; at 9 am.

WHERE: Room 239,
Federal Building,
1961 Stout Street, Denver, CO.

RESERVATIONS: Elizabeth Stout
Denver Federal Information Center.
303-236-7181

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DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 327

[Docket No. 83-042AI]

Withdrawal of Certain Countries From the List of Those Eligible for Importation of Meat Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Confirmation of Interim Rules.

SUMMARY: On Feburary 15, 1984, the Food Safety and Inspection Service (FSIS) published an interim rule with request for comments (49 FR 5727). This interim rule withdrew the Dominican Republic, El Salvador, Haiti, Mexico, Nicaragua, and Panama from the list of countries eligible under the Federal Meat Inspection Act (FMIA) to import cattle, sheep, swine, goat, and equine products into the United States. This action was necessary because those countries had failed to implement satisfactory residue testing and/or species verification programs, resulting in their no longer meeting provisions of the FMIA.

Since publication of the interim final rule FSIS has issued three amendments which relisted the countries of Panama (49 FR 14497; April 12, 1984), El Salvador and Nicaragua (49 FR 22626; May 31, 1984), and the Dominican Republic (50 FR 14370; April 12, 1985) as again being eligible under the FMIA to import cattle, sheep, swine, and goat products into the United States.

The countries of Mexico and Haiti have not corrected the deficiencies which resulted in their delisting on February 15, 1984, and FSIS is now issuing a final rule to confirm that these countries remain delisted.

EFFECTIVE DATE: March 10, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. William J. Havlik, Director, Foreign Programs Division, International Programs, Food Safety and Inspection Service, U.S. Department of Agriculture, Washington, DC 20250, (202) 447-7610.

SUPPLEMENTARY INFORMATION:

Executive Order 12291/Effect on Small Entities

The Administrator has determined that this final rule is not a major rule under Executive Order 12291. It will not result in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Additionally, the Administrator has determined that this rule will not have a significant economic impact on a substantial number of small entities, as defined by the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601 *et seq.*).

These determinations have been made because this rule applies only to foreign meat production and will not adversely impact American industry or the consuming public.

Background

On February 15, 1984, FSIS published in the **Federal Register** an interim rule with request for comments (49 FR 5727). This interim rule withdrew the Dominican Republic, El Salvador, Haiti, Mexico, Nicaragua, and Panama from the list of countries eligible under the Federal Meat Inspection Act (FMIA) to import the products of cattle, sheep, swine, goats, and equines (Mexico only) into the United States. The FMIA requires that in order for a country to be eligible to import meat products into the United States, that country must establish, maintain, and implement inspection standards and requirements that are "at least equal to" the requirements of the FMIA and the United States regulations which are applicable to official establishments in this country.

In order for a foreign country's inspection system to be considered "at least equal to" that of the United States, the country must provide for testing of fat, kidney, muscle and/or liver tissues for chlorinated hydrocarbons, organophosphates, trace metals, antibiotics, and (if applicable) hormones, using a method approved by the Secretary. In addition, the country must conduct an approved species verification program. Failure at that time of the Dominican Republic, El Salvador, Haiti, Mexico, Nicaragua, and Panama to implement satisfactory residue testing and/or species verification programs resulted in their being withdrawn from the list of countries eligible to import meat products into the United States.

In the February 15, 1984 interim rule withdrawing these countries, FSIS stated that once they had corrected the deficiencies in their residue testing and/or species verification programs, and the Administrator was satisfied that their systems meet all provisions of the FMIA, those countries would again be added to the list of countries eligible to import cattle, sheep, swine, and goat products into the United States.

The countries of Panama, El Salvador, Nicaragua, and the Dominican Republic have provided the Administrator with evidence showing that their systems are now "at least equal to" that of the United States; the countries of Mexico and Haiti have not provided such evidence. Accordingly, FSIS is now finalizing the February 15, 1984, interim rule (as amended on April 15, 1984; May 31, 1984; and April 12, 1985) to confirm that the countries of Mexico and Haiti are no longer eligible to import cattle, sheep, swine, goat, or equine products into the United States.

List of Subjects in 9 CFR Part 327

Imported products, Meat inspection.

PART 327—[AMENDED]

For the reasons explained in the preamble:

§ 327.2 [Amended]

1. In Part 327, the amendments to § 327.2(b) published on February 15, 1984 (49 FR 5727), April 12, 1984 (49 FR 14497), May 31, 1984 (49 FR 22626) and

April 12, 1985 (50 FR 14370) are confirmed as final.

2. In Part 327, the amendment to § 327.2(c) published as an interim rule on February 15, 1984 (49 FR 5727) is confirmed as final.

Done at Washington, DC on: January 21, 1986.

Donald L. Houston,

Administrator, Food Safety and Inspection Service.

[FR Doc. 86-2538 Filed 2-5-86; 8:45 am]

BILLING CODE 3410-DM-M

DEPARTMENT OF ENERGY

Office of Conservation and Renewable Energy

10 CFR Part 436

Federal Energy Management and Planning Programs; Technical Amendment

AGENCY: Department of Energy.

ACTION: Final rule; technical amendment.

SUMMARY: The Department of Energy (DOE) is making a technical amendment to its regulations for the Federal Energy Management Program. Upon initial publication, § 436.106(a)(4)(vi) and (vii) were incorrectly designated. This amendment will correct the numbers.

EFFECTIVE DATE: February 6, 1986.

FOR FURTHER INFORMATION CONTACT:

J. Wm. Bethea, Director, Federal Energy Management Program (CE-10.1), Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-9430

Neal J. Strauss, Office of General Counsel (GC-12), 1000 Independence Avenue, SW., Washington, DC 20585, (202) 252-9507

List of Subjects in 10 CFR Part 436

Energy conservation, Federal buildings and facilities, Solar energy.

In consideration of the foregoing, Part 436 of Chapter II of Title 10, Code of Federal Regulations, is hereby amended as set forth below:

Issued in Washington, D.C., on January 28, 1986.

Donna R. Fitzpatrick,

Assistant Secretary, Conservation and Renewable Energy.

PART 436—FEDERAL ENERGY MANAGEMENT AND PLANNING PROGRAMS

1. The authority citation for Part 436, Subpart F is revised to read as follows:

Authority: Energy Policy and Conservation Act, as amended, 42 U.S.C. 6361; Executive Order 11912, as amended, 42 FR 37523 (July 20, 1977); National Energy Conservation Policy Act, Title V, Part 3, 42 U.S.C. 8251 *et seq.*; Department of Energy Organization Act, 42 U.S.C. 7254.

§ 436.106 [Amended]

2. In § 436.106 paragraphs (a)(4) (vi) and (vii) are redesignated paragraphs (a)(4) (iv) and (v).

[FR Doc. 86-2513 Filed 2-5-86; 8:45 am]

BILLING CODE 6450-01-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 85-ANE-15; Amdt. 39-5212]

Airworthiness Directives; Garrett TFE731-2, -3, -3A, -3AR, -3B, -3BR, and -3R Turbofan Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that requires an inspection of the rear mount weld attachments on turbine interstage transition ducts, or requires modification or replacement of these ducts on certain Garrett TFE731-2, -3, -3A, -3AR, -3B, -3BR, and -3R turbofan engines. The AD is needed to detect and remove from service, ducts with engine mount clevises which were improperly welded during manufacture. This defect may result in separation of the engine rear mount.

DATES: Effective March 6, 1986.

Compliance required within the next 1,150 hours time in service after the effective date of this AD, unless already accomplished.

Incorporation by Reference—Approved by the Director of the Federal Register on March 6, 1986.

ADDRESSES: The applicable service documents may be obtained from: Garrett General Aviation Services Company, Department H65-1, Building 601AD, P.O. Box 29003, Phoenix, Arizona 85038.

A copy of each of the applicable service documents is contained in the Rules Docket, Federal Aviation Administration, New England Region, Room 311, 12 New England Executive Park, Burlington, Massachusetts 01803.

FOR FURTHER INFORMATION CONTACT:

Mr. Bill Moring, Aerospace Engineer, Propulsion Section, ANM-174W, FAA Northwest Mountain Region, Western Aircraft Certification Office, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009-2007; telephone (213) 297-1382.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations (FAR) to include an AD that would require an inspection of the rear mount weld attachments on turbine interstage transition ducts, or require modification or replacement of these ducts on certain Garrett TFE731-2, -3, -3A, -3AR, -3B, -3BR, and -3R turbofan engines was published in the **Federal Register** on May 6, 1985 (50 FR 19033). Subsequent to publishing this proposal, a further review of the inspection records at the manufacturer's facility has revealed a substantial number of additional ducts which may contain the same defect. Revision 1 to Service Bulletin (SB) TFE731-72-3309 issued on September 6, 1985, lists these ducts by serial number (S/N). Since the inclusion of the additional duct part numbers and serial numbers in the final rule requires no more action by the operators than that which would have been required by the proposed amendment, and since the manufacturer has agreed to provide the necessary X-ray inspections and modifications at no cost to the owners, an amended Notice of Proposed Rulemaking (NPRM) is considered unnecessary. The compliance time of 1,150 hours coincides with normal maintenance schedules and, therefore, no operator will be significantly burdened.

The proposal was prompted by reports of three in-service failures of the Garrett TFE731 engine rear mount. One of the ducts on which the rear mount is welded had been X-ray inspected prior to failure. These failures resulted from fatigue cracking of the electron beam weld attaching the rear mount clevis to the turbine interstage transition duct. Separation of the rear mount is known to result in an unsafe engine installation on some aircraft types, and may result in an unsafe installation on others.

Interested persons have been afforded an opportunity to participate in the making of this amendment. Two replies to the request for comments were received. One commenter stated that the proposed AD was difficult to understand and that SB 3309 referred to the installation of an auxiliary bracket (in accordance with SB TFE731-72-3170) as an "interim compliance", while the proposed AD indicated this action to be a final compliance.

The FAA has subsequently reviewed the proposed AD and finds that it can be simplified without changing the engineering intent. Accordingly, the AD

has been rewritten. Use of the auxiliary bracket has been determined by the FAA to provide a structurally adequate engine rear mount for an unlimited service life. The manufacturer has, for reasons other than airworthiness, recommended replacement of this bracket at the first convenient opportunity. While the FAA does not disagree with the manufacturer, there is no AD requirement to replace the auxiliary bracket.

The other commentor indicated that the proposed compliance time is unjustifiably long for engine installations on certain aircraft. The FAA, after reconsidering the compliance time, still believes that the proposed time results in a satisfactory level of safety and, therefore, will maintain the original schedule.

Paragraph (d)(3) of the proposed AD, as published in the **Federal Register**, was found to have a misprint. SB TFE731–72–3159 was printed "Bulletin-3139". This is corrected.

Accordingly, the proposal is adopted with the following changes: the correction of the SB number misprint, the use of Revision 1 to SB 3309 which lists additional duct part numbers and serial numbers, and a rewriting to make the AD easier to understand.

Conclusion

The FAA has determined that this regulation affects approximately 4,800 engines of which approximately 1,400 will require remedial action. For the above stated reasons, the cost to the owners/operators will be only about $10 per engine, i.e., the cost of checking the S/N of the turbine interstage transition duct. Therefore, I certify that this action (1) is not a "major rule" under Executive Order 12291; (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal; and (4) will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

Engines, Air transportation, Aircraft, Aviation safety, Incorporation by reference.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA amends Part 39 of the FAR as follows:

1. The authority citation continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD to § 39.13:

Garrett Turbine Engine Company (formerly the AiResearch Manufacturing Company of Arizona). Applies to all Model TFE731–2, –3, –3A, –3AR, –3B, –3BR, and –3R turbofan engines installed in aircraft certified in all categories equipped with turbine interstage transition ducts, part numbers 3071486–3 through –10, 3072318–1 and –3, 3072726–1 and –2, identified by individual serial numbers (hereinafter referred to as duct(s)).

Compliance is required prior to the accumulation of 1,150 hours time in service from the effective date of this AD, unless already accomplished. NOTE: A substantial number of additional ducts were found to be subject to the same defect after Garrett issued SB TFE731–72–3309, dated March 7, 1985. This SB was specified in the NPRM (50 FR 19033). Revision 1 of said SB, dated September 6, 1985, was subsequently issued, and it now contains complete listings of affected ducts. Therefore, engines which were determined to be unaffected in accordance with the original SB, must be reverified.

To prevent separation of the engine rear mount from the duct, accomplish the following:

(a) Determine, by engine visual inspection, whether the turbine interstage transition duct S/N is included in Table 1 or Table 2 of Garrett SB TFE 731–72–3309, Revision 1, dated September 6, 1985, (SB 3309) or FAA-approved equivalent.

(1) Engine visual inspection which ensures that the duct S/N is not in Table 1 or Table 2 constitutes terminating action for this AD.

(2) Ducts listed in Table 1 are known to have inadequate weld penetration, and require modification or replacement as specified below. Ducts listed in Table 2 might have inadequate weld penetration, and must either pass the additional X-ray inspection or be modified or replaced, as specified below.

(b) Replace any duct listed in Table 1 of SB 3309 with a serviceable duct, or perform the actions of SB 3309, paragraph 2.B. (modification).

(c) Replace any duct listed in Table 2 of SB 3309 with a serviceable duct, or perform the actions of SB 3309, paragraph 2.C (X-ray inspection and/or modification).

Notes.—(1) Regardless of statements in SB 3309 referring to the installation of the aft mount auxiliary bracket (in accordance with SB TFE731–72–3170) as an "interim compliance", such installation constitutes terminating action for this AD. Ducts which are modified by incorporation of the aft mount auxiliary bracket, shall not have the bracket removed and be returned to service unless the other actions of SB 3309, paragraph 2.B. or 2.C., as applicable, are performed.

(2) The aft mount auxiliary bracket requires a longer engine mount bolt which is a new aircraft part. Therefore, each type aircraft using this bracket must have an FAA-approved SB to complete the installation; otherwise the bracket shall not be used.

(d) For ducts which are determined to have a satisfactory weld at a clevis position used to mount the engine to the aircraft, but are determined to have an unsatisfactory weld(s) at the other clevis positions(s), an FAA-approved alternative means of compliance with the provisions of SB 3309, paragraph 2.B.(2) or 2.C.(6), as applicable, is as follows:

(1) Cut through the bolt holes of the unsatisfactory clevis(es) in accordance with paragraph 2.F.(1) of SB TFE731–72–3159, Revision 5, dated September 6, 1985, or FAA-approved equivalent;

(2) Efface existing part number on duct and electrochemically etch new part number (0.0004 inch maximum depth) in accordance with:

Old Part No.	*New Part No.*
3071486–3	3071486–11
3071486–4	3071486–12
3071486–5	3071486–13
3071486–6	3071486–14
3071486–7	3071486–15
3071486–8	3071486–16
3071486–9	3071486–17
3071486–10	3071486–18
3072318–1	3076070–1
3072318–3	3076070–2
3072726–1	3076070–3
3072726–2	3076070–4

Aircraft may be ferried in accordance with the provisions of FAR 21.197 and 21.199 to a base where the AD can be accomplished.

Upon request, an equivalent means of compliance with the requirements of this AD may be approved by the Manager, Western Aircraft Certification Office, P.O. Box 92007, Worldway Postal Center, Los Angeles, Calfornia 90009.

Upon submission of substantiating data by an owner or operator through an FAA maintenance inspector, the Manager, Western Aircraft Certification Office, P.O. Box 92007, Worldway Postal Center, Los Angeles, California 90009 may adjust the compliance time specified in this AD.

Garrett SB Nos. TFE731–72–3309, Revision 1, dated September 6, 1985; TFE731–72–3159, Revision 5, dated September 6, 1985; and TFE731–72–3170, Revision 2, dated March 7, 1985, are incorporated herein and made a part hereof pursuant to 5 U.S.C. 552(a)(1). All persons affected by this directive who have not already received these documents from the manufacturer may obtain copies upon request to Garrett General Aviation Service Company, Department H65–1, Building 601AD, P.O. Box 29003, Phoenix, Arizona 85038.

These documents also may be examined at the Office of the Regional Counsel, Federal Aviation Administration, New England Region, Room 311, 12 New England Executive Park, Burlington Massachusetts 01803.

This amendment becomes effective on March 6, 1986.

Issued in Burlington, Massachusetts, on December 31, 1985.

Robert E. Whittington,

Director, New England Region.

[FR Doc. 86–2607 Filed 2–5–86; 8:45 am]

BILLING CODE 4910–13–M

14 CFR Part 39

[Docket No. 85-NM-52-AD; Amdt. 39-5235]

Airworthiness Directives; British Aerospace Model BAC 1-11 200 and 400 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adds a new airworthiness directive (AD) that requires inspection for cracks or damage, and repairs or replacement, as necessary, of certain components of the nose and main landing gears of British Aerospace Model BAC 1-11 200 and 400 series airplanes. There have been reports of cracks in the main landing gear rear pintle support beam, and of a nose landing gear collapse. These conditions, if not corrected, have the potential of leading to a catastrophic landing.

DATES: Effective March 17, 1986. Compliance is required as indicated, unless already accomplished.

ADDRESSES: The applicable service information may be obtained from British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, DC 20041. This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: Mr. Mark E. Baldwin, Standardization Branch, ANM-113; telephone (206) 431-2978. Mailing address: FAA, Northwest Mountain Region, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

SUPPLEMENTARY INFORMATION: A proposal to amend Part 39 of the Federal Aviation Regulations was published in the **Federal Register** on June 28, 1985 (50 FR 26785), to include an airworthiness directive which requires inspection, and repair or replacement, as necessary, of the BAC Model 1-11 200 and 400 series main landing gear structure for cracks in the rear pintle support beam sub-assembly (manacle beam), as prescribed by British Aerospace BAC 1-11 Alert Service Bulletin 57-A-PM5896, and of the nose landing gear for damage of the toggle links' special bolt assembly, as prescribed by British Aerospace BAC 1-11 Alert Service Bulletin 32-A-PM5872.

The comment period for the proposal which ended August 16, 1985 , afforded interested persons an opportunity to participate in making the rule and due consideration has been given to the two comments which were received. The manufacturer offered no objection to the rule as proposed. The Air Transport Association (ATA) of America stated that its only affected member operator has already complied with the proposal and offered no objection to the contents of the proposed rule.

After a careful review of the available data, including the comments noted above, the FAA had determined that air safety and the public interest require the adoption of the rule as proposed.

It is estimated that 60 airplanes will be affected by this AD, that it will take approximately 3 manhours per airplane to accomplish the required inspections, and that the average labor cost will be $40 per manhour. Based on these figures, the total cost impact of this AD is estimated to be $7,200.

For the reasons discussed above, the FAA has determined that this regulation is not considered to be major under Executive Order 12291 or significant under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and it is further certified under the criteria of the Regulatory Flexibility Act that this rule will not have a significant economic effect on a substantial number of small entities because of the minimal cost of compliance per airplane ($120.). A final evaluation has been prepared for this regulation and has been placed in the docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised Pub. L 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive:

British Aerospace: Applies to Model BAC 1-11 airplanes, with series as specified in each paragraph below, certificated in any category. To prevent a hazardous landing condition, accomplish the following within the next 90 days after the effective date of this AD, or prior to reaching the landing threshold indicated in each paragraph below, whichever is the later, unless already accomplished:

A. For Model BAC 1-11 400 series airplanes, prior to the accumulation of 15,000 landings, perform an eddy current or dye penetrant inspection for cracks of the rear pintle support beam in accordance with paragraph 2.1.1 of the accomplishment instructions of British Aerospace BAC 1-11 Alert Service Bulletin 57-A-PM5896, dated August 6, 1984. Thereafter, repeat this inspection at intervals not to exceed 3,200 landings. If cracks are discovered, repair or replace in accordance with paragraph 2.2 of the accomplishment instructions of the service bulletin before further flight.

B. For Model BAC 1-11 200 and 400 series airplanes, inspect for damage of the toggle links' special bolt assembly, part number AB44A1275, in accordance with the accomplishment instructions of British Aerospace BAC 1-11 Alert Service Bulletin 32-A-PM5872, dated July 25, 1983. If the special bolt assembly is found damaged, replace with a serviceable part before further flight.

C. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Standardization Branch, ANM-113, FAA, Northwest Mountain Region.

D. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base for the accomplishment of inspections and/or modifications required by this AD.

All persons affected by this directive who have not already received the appropriate service documents from the manufacturer may obtain copies upon request to British Aerospace, Inc., Box 17414, Dulles International Airport, Washington, DC 20041. These documents may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or the Seattle Aircraft Certification Office, 9010 East Marginal Way South, Seattle, Washington.

This amendment becomes effective March 17, 1986.

Issued in Seattle, Washington, on January 30, 1986.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-2608 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-13-M

14 CFR Part 39

[Docket No. 86-CE-03-AD; Amdt. 39-5234]

Airworthiness Directives; Cessna Models 425 and 441 Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new Airworthiness Directive (AD), AD 85-25-11, applicable to certain Cessna Models 425 and 441 airplanes and codifies the corresponding emergency AD letter dated December 18, 1985, into the **Federal Register**. This AD is necessary because one or both of the

horizontal stabilizer front spar attachment bolt retaining nuts may be broken, or subject to failure from hydrogen embrittlement, resulting in possible separation of the stabilizer from the aircraft.

DATES: Effective Date: February 12, 1986, to all persons except those to whom it has already been made effective by priority letter from the FAA dated December 18, 1985. Compliance: As prescribed in the body of the AD.

ADDRESSES: Cessna Conquest Service Bulletin CQB85–25, Revision 1, dated December 16, 1985, applicable to this AD, may be obtained from Cessna Aircraft Company Customer Services, Post Office Box 1521, Wichita, Kansas 67201. A copy of the information is also contained in the Rules Docket, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Lawrence S. Abbott, Wichita Aircraft Certification Office, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas, 67209; Telephone (316) 946–4409.

SUPPLEMENTARY INFORMATION: Attachment bolt retaining nuts on the horizontal stabilizer front spar have been found cracked during ground inspections on four Cessna Model 425 airplanes. There have been no incidents where the nut separated from the bolt in-flight. Metallurgical investigations indicate hydrogen embrittlement to be the cause for the failures. Cessna issued Service Bulletin CQB85–25, Revision 1, dated December 16, 1985, recommending replacement of both nuts on all Cessna Models 425 and 441 airplanes within 10 hours time-in-service. The Model 441 airplanes are included since they use the same nut in a similar application. These actions are necessary to preclude possible in-flight separation of the horizontal tail.

The FAA determined that this is an unsafe condition that may exist in other airplanes of the same type design, thereby necessitating AD action. It was also determined that an emergency condition existed and that notice and public procedure thereon was impractical and contrary to the public interest. Accordingly, the FAA notified all known owners and operators affected by this AD by priority mail letter dated December 18, 1985. The AD became effective immediately as to those individuals upon receipt of that letter and is identified as AD 85–25–11. Since the unsafe condition described herein may still exist on other certain Cessna Models 425 and 441 airplanes, the AD is hereby published in the **Federal Register** as an amendment to Part 39 of the Federal Aviation Regulations (14 CFR Part 39) to make it effective as to all persons who did not receive the priority letter notification. Because a situation still exists that requires the immediate adoption of this regulation, it is found that notice and public procedure hereon are impracticable and contrary to the public interest, and good cause exists for making this amendment effective in less than 30 days.

The FAA has determined that this regulation is an emergency regulation that is not major under Section 8 of Executive Order 12291. It is impracticable for the FAA to follow the procedures of Order 12291 with respect to this rule since the rule must be issued immediately to correct an unsafe condition in aircraft. It has been further determined that this document involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). If this action is subsequently determined to involve a significant regulation, a final regulatory evaluation or analysis, as appropriate, will be prepared and placed, in the regulatory docket (otherwise, an evaluation is not required). A copy of it, when filed, may be obtained by contacting the Rules Docket at the location under the caption **"ADDRESSES."**

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

Adoption of the Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends Section 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

Cessna: Applies to Models 425 (Serial Numbers 425–0002 thru 425–0236) and 441 (Serial Numbers 441–0001 thru 441–0354) airplanes certified in any category.

Compliance: Required within the next ten hours time-in-service, unless previously accomplished.

To preclude failure of the horizontal stabilizer front spar attachments accomplish the following:

(a) Replace left and right horizontal stabilizer front spar attach bolt retaining nuts (Part Number NAS1291–8) in accordance with the instructions contained in Cessna Service Bulletin No. CQB85–25, Revision 1, dated December 16, 1985. Purchase replacement NAS1291–8 nuts exclusively from the Cessna Supply Division after November 22, 1985, per the above Cessna Service Bulletin.

(b) Return removed NAS1291–8 nuts to Cessna in accordance with Cessna Service Bulletin No. CQB85–25, Revision 1, dated December 16, 1985.

(c) Aircraft may be flown in accordance with FAR 21.197 to a location where this AD can be accomplished.

(d) An equivalent method of compliance with this AD may be used when approved by the Manager, Wichita Aircraft Certification Office, Federal Aviation Administration, Central Region, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

All persons affected by this directive may obtain copies of the document referred to herein upon request to the Cessna Aircraft Company, Customer Services, Post Office Box 1521, Wichita, Kansas 67201 or the FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

This amendment becomes effective February 12, 1986, as to all persons except those persons to whom it was made immediately effective by priority letter AD 85–25–11, issued December 18, 1985, which contained this amendment.

Issued in Kansas City, Missouri, on January 28, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86–2610 Filed 2–5–86; 8:45 am]

BILLING CODE 4910–13–M

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14 CFR Part 71

[Airspace Docket No. 85–ASW–29]

Revision of Transition Area; Walnut Ridge, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment will revise the transition area at Walnut Ridge, AR. The intended effect of the amendment is to provide additional controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Walnut Ridge Regional Airport. This revision is necessary because the Lawrence County Nondirectional Radio Beacon (NDB) is being relocated to a point approximately 5.19 miles north of its present location. Additionally, a review of the existing controlled airspace revealed that it was not adequate for the types and volume of air traffic utilizing the Walnut Ridge Regional and Pocahontas Municipal Airports. This action will result in

additional controlled airspace as necessary to protect the existing and proposed new SIAP's.

EFFECTIVE DATE: 0901 G.m.t., July 3, 1986.

FOR FURTHER INFORMATION CONTACT: David J. Souder, Airspace and Procedures Branch (ASW-535), Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101, telephone (817) 877-2622.

SUPPLEMENTARY INFORMATION:

History

On October 21, 1985, the FAA proposed to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to revise the Walnut Ridge, AR, transition area (50 FR 203).

Interested persons were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments objecting to the proposal were received. Except for editorial changes, this amendment is that proposed in the notice. Section 71.181 or Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations revises the transition area at Walnut Ridge, AR. This will provide adequate controlled airspace for the protection of aircraft arriving and departing the Walnut Ridge Regional and Pocahontas Municipal Airports.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Control zones, Transition areas, Aviation safety.

Adoption of the Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.69.

2. Section 71.181 is amended as follows:

Walnut Ridge, AR Revised

That airspace extending upward from 700 feet above the surface within an 8.5-mile radius of the Walnut Ridge Regional Airport (latitude 36°07'30" N., longitude 90°55'25" W.); within 3 miles each side of the Walnut Ridge VORTAC 240-degree radial, extending from the 8.5-mile radius area to 8.5 miles southwest of the VORTAC; within 5 miles each side of the 360-degree bearing from the NDB (latitude 36°12'20" N., longitude 90°55'23" W.) extending from the 8.5-mile radius to 12 miles north of the NDB; and within a 6.5-mile radius of the Pocahontas Municipal Airport (latitude 36°14'39" N., longitude 90°56'59" W.).

Issued in Fort Worth, TX, on January 23, 1986.

F.E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 86-2614 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-13-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 2

[Docket Nos. 84P-0231 and 84P-0268]

Chlorofluorocarbon Propellants in Self-Pressurized Containers; Essential Uses

AGENCY: Food and Drug Administration.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is adding two products to the list of products containing a chlorofluorocarbon for an essential use. They are metered-dose nitroglycerin human drugs administered to the oral cavity and metered-dose cromolyn sodium human drugs administered by oral inhalation. FDA concludes that these products provide unique health benefits unavailable without the use of the chlorofluorocarbon.

EFFECTIVE DATE: February 6, 1986.

FOR FURTHER INFORMATION CONTACT: Eileen R. Hodkinson, Center for Drugs and Biologics (HFN-364), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301-295-8046.

SUPPLEMENTARY INFORMATION: In the Federal Register of July 24, 1985 (50 FR 30210), FDA proposed to amend § 2.125(e) (21 CFR 2.125(e)) to include the following drugs for human use, as essential uses of chlorofluorocarbon: metered-dose nitroglycerin administered to the oral cavity and metered-dose cromolyn sodium administered by oral inhalation. This action was taken in response to two citizen petitions stating that these products provide unique health benefits that would be unavailable without the use of chlorofluorocarbon.

Interested persons were allowed 60 days to submit comments on the proposal. Twenty-five comments were received from physicians who supported the use of cromolyn sodium in a metered-dose container. No comments were received concerning the use of nitroglycerin in a metered-dose container.

Based on these comments and information relied upon in the proposal, the agency concludes that the subject drug products should be added to the list of products containing chlorofluorocarbon as an essential use. The use of metered-dose nitroglycerin human drugs for administration to the oral cavity provides a special benefit to the angina pectoris patient because of the product's uniform delivery system and because it removes the need to open a bottle to obtain tablets. According to the information available to the agency, this benefit is not available in other nitroglycerin products. Metered-dose cromolyn sodium human drugs administered by oral inhalation provides a special benefit to asthmatic patients because of the products' delivery of the drug in proper size particles and the efficient portable delivery system that can be used easily by the handicapped, the elderly, and small children. This benefit also, on the basis of the agency's information, is not available from other delivery systems, such as the hand-operated pump or pressurized nebulizer.

The agency has carefully considered the potential environmental effects of this action and has concluded that the action will not have a significant impact on the human environment and that an environmental impact statement is not required. This action was considered under FDA's final rule implementing the National Environmental Policy Act (21 CFR Part 25) that was published in the

Federal Register of April 26, 1985 (50 FR 16636, effective July 25, 1985).

List of Subjects in 21 CFR Part 2

Administrative practice and procedure, Cosmetics, Drugs, Foods.

Therefore, under the Federal Food, Drug, and Cosmetic Act and under authority delegated to the Commissioner of Food and Drugs, Subpart G of Part 2 is amended as follows:

PART 2—GENERAL ADMINISTRATIVE RULINGS AND DECISIONS

Subpart G—Provisions Applicable to Specific Products Subject to the Federal Food, Drug, and Cosmetic Act

1. The authority citation for 21 CFR Part 2, Subpart G, is revised to read as follows:

Authority: Secs. 301, 402, 409, 501, 502, 505, 507, 512, 601, 701, 52 Stat. 1042–1043 as amended, 1046–1047 as amended, 1049–1054 as amended, 1055–1056 as amended, 59 Stat. 463 as amended, 72 Stat. 1785–1788 as amended, 82 Stat. 343–351 (21 U.S.C. 331, 342, 348, 351, 352, 355, 357, 360b, 361, 371); 21 CFR 5.10.

2. In § 2.125 by adding new paragraph (e) (9) and (10) to read as follows:

§ 2.125 Use of chlorofluorocarbon propellants in self-pressurized containers.

* * * * *

(e) * * *

(9) Metered-dose nitroglycerin human drugs administered to the oral cavity.

(10) Metered-dose cromolyn sodium human drugs administered by oral inhalation.

* * * * *

Dated: January 28, 1986.

Joseph P. Hile,

Associate Commissioner for Regulatory Affairs.

[FR Doc. 86–2565 Filed 2–3–86; 3:02 pm]

BILLING CODE 4160-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 89

[CGD 85–081]

Inland Navigation Rules; Implementing Rules

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This regulation will add Rule 14(d) of the Inland Navigation Rules to the list of provisions which apply on the Great Lakes and/or Western Rivers, including the Tennessee Tombigbee Waterway. Prior to 1984, the Inland Navigation Rules (33 U.S.C. 2001 et seq) contained three provisions which applied only to the Great Lakes, Western Rivers and/or other waters designated by the Secretary. All of the three, then existing, Western Rivers provisions were designated as applicable to the Tennessee Tombigbee Waterway and connecting waters by a regulation dated August 27, 1984 (49 FR 33875). Subsequently, on October 30, 1984, Pub. L. 98–557 was enacted which added a fourth Western Rivers provision, Rule 14(d), to the Inland Rules. This regulation is needed to update the Western Rivers provisions so that they are all applicable to the Tennessee Tombigbee Waterway. The intended effect of the regulation is to enhance navigation safety by providing for the uniform application of all the Western River provisions to the waters which comprise the Tennessee Tombigbee Waterway.

EFFECTIVE DATE: March 10, 1986.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Charles K. Bell, Marine Information and Rules Branch, Office of Navigation (202) 426–1950.

SUPPLEMENTARY INFORMATION: The Inland Navigation Rules are codified in chapter 34 of Title 33 of the United States Code (33 U.S.C. 2001 et seq). The Inland Rules contain several provisions which establish unique regulations for the Great Lakes, Western Rivers or other waters as may be designated by the Secretary. The Tennessee Tombigbee Waterway and certain connecting rivers were previously designated as waterways to which the existing Western Rivers provisions apply (CGD 83–028, 49 FR 33875, August 27, 1984). That designation appears at § 89.25 of Title 33, Code of Federal Regulations.

Pub. L. 98–557 amended Inland Rule 14 (33 U.S.C. 2014) to add a paragraph designated (d). Inland Rule 14(d) is a Western Rivers provision that gives the downbound vessel with a following current the right-of-way when vessels are approaching each other on head on situations. This rulemaking will amend § 89.25 of Title 33 Code of Federal Regulations by adding Rule 14(d) to the list of rules which apply to these designated waters.

A Notice of Proposed Rulemaking (published December 8, 1983, at 48 FR 54998) and the Supplemental Notice of Proposed Rulemaking (published May 3, 1984 at 49 FR 18870) for CGD 83–028, proposed making all the Inland Navigation Rules applicable to Western Rivers also applicable to the Tennessee Tombigbee Waterway and connecting waters. All comments received were favorable to a uniform application of the Western Rivers provisions to the proposed waters in order to eliminate the confusion which would result from applying different navigation rules. Since the Congress has added Rule 14(d) to the Western Rivers provisions, the Coast Guard considered it necessary for consistency and safety to make 14(d) applicable to the Tennessee Tombigbee Waterway and connecting waters.

The Coast Guard informed mariners of the addition of Rule 14(d) to the Great Lakes, Western Rivers, Tennessee Tombigbee Waterway and connecting waters provisions in Local Notices to Mariners. Mariners have been applying Rule 14(d) to the Tennessee Tombigbee Waterway and connecting waters since the enactment of Pub. L. 98–557.

Because of the confusion that would exist if Rule 14(d) was not applied to the same waters as other Western Rivers provisions, and because the public has already commented favorably on a uniform application of such provisions, the Coast Guard finds that further opportunity for notice and comment is unnecessary and contrary to the public interest and that good cause exists for publication of this regulation as a final rule.

Drafting Information

This document was drafted by LCDR Charles K. Bell, Project Manager, Office of Navigation and LT Sandra R. Sylvester, Project Attorney, Office of Chief Counsel.

Regulatory Evaluation

This final rule is considered to be nonmajor under Exectutive Order 12291 and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. This rule merely updates the Western Rivers provisions within the Inland Navigation Implementing Rules to include Rule 14(d) as a provision applicable to the Tennessee Tombigbee Waterway and connecting waters. Since the impact is expected to be minimal, the Coast Guard certifies that this final rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 89

Navigation (waters) Waterways.

PART 89—[AMENDED]

In consideration of the foregoing, Part 89 of Title 33 Code of Federal Regulations is amended as follows:

1. The authority citation for Part 89 is revised to read as set forth below:

Authority: 33 U.S.C. 2071; 49 CFR 1.46(n)(14).

2. Section 89.21 is revised to read as follows:

§ 89.21 Purpose.

Inland Navigation Rules 9(a)(ii), 14(d), and 15(b) apply to the Great Lakes, and along with 24(i), apply on the "Western Rivers" as defined in Rule 3(1), and to additional specifically designated waters. The purpose of this Subpart is to specify those additional waters upon which Inland Navigation Rules 9(a)(ii), 14(d), 15(b), and 24(i) apply.

3. Section 89.25 is revised to read as follows:

§ 89.25 Waters upon which Inland Rules 9(a)(ii), 14(d), 15(b), and 24(i) apply.

Inland Rules 9(a)(ii), 14(d), and 15(b) apply on the Great Lakes, and along with 24(i), apply on the Western Rivers and the following specified waters:

(a) Tennessee-Tombigbee Waterway;
(b) Tombigbee River;
(c) Black Warrior River;
(d) Alabama River;
(e) Coosa River;
(f) Mobile River above the Cochrane Bridge at St. Louis Point;
(g) Flint River;
(h) Chattachoochee River; and
(i) The Apalachicola River above its confluence with the Jackson River.

Dated: January 17, 1986.

T.J. Wojnar,

Rear Admiral, U.S. Coast Guard, Chief, Office of Navigation.

[FR Doc. 86-2630 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 100

[CGD11 86-02]

Special Local Regulations; NJBA Regatta, Parker, AZ

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: Special local regulations are being adopted for the NJBA Regatta. This event will be held on 22, 23 February and 22, 23 March 1986, at Parker, Arizona. The regulations are needed to provide for the safety of life on navigable waters during the event.

EFFECTIVE DATE: These regulations become effective on 22 February 1986 and terminate on 23 March 1986.

FOR FURTHER INFORMATION CONTACT: LTJG Jorge Arroyo, Eleventh Coast Guard District Boating Affairs Office, 400 Oceangate Boulevard, Long Beach, California 90822-5399, Tel: (213) 590-2331.

SUPPLEMENTARY INFORMATION: In accordance with 5 U.S.C. 553, a notice of proposed rulemaking has not been published for these regulations and good cause exists for making them effective in less than 30 days from the date of publication. Following normal rulemaking procedures would have been impracticable. The application to hold the event was not received until 6 January 1986, and there was not sufficient time remaining to publish proposed rules in advance of the event or to provide for a delayed effective date.

Nevertheless, interested persons wishing to comment may do so by submitting written views, data, or arguments. Commenters should include their name and address, identify this notice [CGD11 86-02] and the specific section of the proposal to which their comments apply, and give reasons for each comment. Receipt of comments will be acknowledged if a stamped self-addressed postcard or envelope is enclosed. The regulations may change in light of comments received.

Drafting Information

The drafters of this regulation are LTFG Jorge Arroyo, Project Officer, Boating Affairs Office, Eleventh Coast Guard District and LT David S. Riley, Project Attorney, Legal Office, Eleventh Coast Guard District.

Discussion of Regulation

The National Jet Boat Association, "NJBA Regatta" will be conducted on 22, 23 February and 22, 23 March 1986, on the Colorado River in front of the Bluewater Marina in Parker, Arizona. This event will have a maximum of 200 inboard high speed ski boats, 18 to 20 feet in length, that could pose a hazard to navigation. Therefore, vessels desiring to transit the regulated area may do so only with clearance from an official patrol vessel.

List Subjects in 33 CFR Part 100

Marine safety, Navigation (water).

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

Regulations:

In consideration of the foregoing, Part 100 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233; 49 CFR 1.46(b) and 33 CFR 100.35.

2. Part 100 is amended by adding a § 100.35 11-86-02 to read as follows:

§ 100.35 11-86-02 NJBA Regatta, Parker, Arizona.

(a) *Regulated Area.* The following area will be closed intermittently to all vessel traffic: That portion of the Arizona side of the Colorado River, from Headgate Rock Dam thence 1.5 miles North. The area will be open for ten minutes, on the hour, to allow the transit of spectators.

(b) *Special Local Regulations.* All persons and/or vessels not registered with the sponsor as participants or official patrol vessels are considered spectators. The "official patrol" consists of any Coast Guard, public, state or local law enforcement and/or sponsor provided vessels assigned to patrol each event.

(1) No spectators shall anchor, block, loiter in, or impede the through transit of participants or official patrol vessels in the regulated area during the effective dates and times, unless cleared for such entry by or through an official patrol vessel.

(2) When hailed and/or signaled by an official patrol vessel, a spectator shall come to an immediate stop. Vessels shall comply with all directions given, failure to do so may result in a citation.

(3) The Patrol Commander is empowered to forbid and control the movement of all vessels in the regulated area. He may terminate the event at any time it is deemed necessary for the protection of life and event at any time it is deemed necessary for the protection of life and property. He may be reached on VHF Channel 16 (156.8 MHz) when required, by the call sign "PATCOM".

(c) *Effective Dates.* These regulations will be effective from 6:00 AM to 8:00 PM on 22, 23 February and 22, 23 March 1986.

Dated: January 24, 1986.

A. Bruce Beran,

Rear Admiral, U.S. Coast Guard Commander, Eleventh Coast Guard District.

[FR Doc. 86-2629 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 110

[CGD3-85-02]

Special Anchorage Area; Lake Champlain, Charlotte, VT

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a special anchorage area in Lake Champlain east of Thompson's Point, Charlotte, Vermont. There is no special anchorage area off the Vermont shore from Whitehall, NY to Shelburne Bay near Burlington VT. This area is well away from the navigational channel and not within the normal area of recreational navigation due to its position in a cove between Thompson's and William's Points. The establishment of this special anchorage area should not create any safety, security or environmental hazards. It will enhance navigational safety by alerting transiting vessels, through depiction on appropriate nautical charts, that unlighted vessels or vessels not sounding fog signals may be present in the anchorage.

EFFECTIVE DATE: March 10, 1986.

FOR FURTHER INFORMATION CONTACT: Lieutenant Junior Grade T. S. Kuhaneck, Vessel Movement Officer, Commander, Coast Guard Group New York, at (212) 668-7933.

SUPPLEMENTARY INFORMATION: On August 1, 1985 the Coast Guard published a notice of proposed rule making in the **Federal Register** for these regulations (50 FR 31197). Interested persons were requested to submit comments and no comments were received.

Drafting Information

The drafters of this regulation are LTJG T. S. Kuhaneck, Project Officer, Coast Guard Group New York and Mrs. M.A. Arisman, Project Attorney, Third Coast Guard District Legal Office.

Discussion of Comments

No formal written comments concerning the proposal were received. One telephone inquiry was received regarding the latitude and longitude coordinates of the special anchorage location. This regulation is issued pursuant to 33 U.S.C. 2030, 2035, and 2070 as set out in the authority citation for all of Part 110.

Economic Assessment and Certification

These regulations are considered to be non-major under Executive Order 12291 on Federal Regulation and nonsignificant under Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). The economic impact has been found to be so minimal that a full regulatory evaluation is unnecessary. Establishment of this Special Anchorage Area will not require dredging or result in increased cost to any segment of the public. In fact, it may attract additional recreational boaters to the area which would have a favorable economic impact on commercial facilities providing services to these boaters.

Since the impact of this regulation is expected to be minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 110

Anchorage grounds.

Final Regulations

PART 110—[AMENDED]

In consideration of the foregoing, Part 110 of Title 33, Code of Federal Regulations, is amended as follows:

1. The authority citation for Part 110 continues to read as follows:

Authority: 33 U.S.C. 471, 2030, 2035 and 2071; 49 CFR 1.46 and 33 CFR 1.05-1(g). Section 110.1a and each section listed in 110.1a are also issued under 33 U.S.C. 1223 and 1231.

2. In § 110.8, paragraph (g) is added to read as follows:

§ 110.8 Lake Champlain, N.Y. and Vt.

* * * * *

(g) *Charlotte, Vt.* An area shoreward of a line bearing 080 T from 44°16' 12" N, 73°17' 18" W, on Thompson's Point to 44°16' 16" N, 73°16' 40" W., on William's Point.

Dated: January 27, 1986.

P.A. Yost,

Vice Admiral U.S. Coast Guard Commander, Third Coast Guard District.

[FR Doc. 86-2627 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-14-M

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33 CFR Part 166

[CGD 81-080B]

Shipping Safety Fairways; Expansions and Additions

AGENCY: Coast Guard, DOT.

ACTION: Final rule.

SUMMARY: This rule establishes a new fairway at the channel entrance to Lower Mud Lake and establishes new fairway anchorages at Calcasieu Pass and Sabine Bank. This rule also widens the existing fairway at the entrance to Southwest Pass. These actions are necessary because of the increased volume of vessel traffic, the need to provide adequate anchorage areas for vessels, and the need to establish greater maneuvering area for taking on and letting off pilots. The intended effect of this rule is to provide for safe access routes and anchorages in these areas. This rule also corrects errors in the geographical descriptions of the Southwest Pass to Sea Safety Fairway and the Calcasieu Pass Fairway Anchorage. Correction of these errors does not affect the actual dimensions of the fairway or fairway anchorage area.

EFFECTIVE DATE: March 10, 1986.

FOR FURTHER INFORMATION CONTACT: LTJG D. Reese, Project Manager, Office of Navigation (G-NSR-3), room 1418, U.S. Coast Guard Headquarters, 2100 Second St., SW., Washington, DC 20593, telephone (202) 245-0108.

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking (NPRM) concerning the shipping safety fairways and fairway anchorages in this final rule was published on August 9, 1982 (47 FR 34432). A supplemental notice of proposed rulemaking (SNPRM) was published on March 30, 1984 (49 FR 12715) and included the revision of specific proposals in the NPRM. Interested persons were given until June 28, 1984, to submit comments. A public hearing was not held on this matter. Two of the proposals in the SNPRM have been renamed and two errors in geographical descriptions have been corrected.

Drafting Information

The principal persons involved in drafting this rulemaking are Lieutenant (j.g.) D. Reese, Project Manager, Office of Navigation, and Lieutenant S. R. Sylvester, Project Attorney, Office of Chief Counsel.

Background

The Ports and Waterways Safety Act (PWSA) (33 U.S.C. 1223) authorizes the Coast Guard to designate necessary fairways to allow vessels an area free of fixed structures for safe access to U.S. ports. The regulations governing shipping safety fairways (33 CFR Part 166) provide that fixed offshore structures, temporary or permanent, are not permitted within designated safety fairways, and are only permitted within fairway anchorages if the structures are two miles apart. The Coast Guard has the authority, in accordance with the PWSA, to modify or relocate existing safety fairways to improve navigation safety or to accommodate offshore mineral exploitation and exploration.

Although shipping safety fairways may interfere with the direct exploration for and production of oil and gas on the Outer Continental Shelf (OCS), and fairway anchorages limit how closely platforms may be situated, there is no indication that the acreage involved in this regulation will obstruct OCS

development. Indeed, the Coast Guard, in revising the original proposals, has minimized each identifiable cost impact while also satisfying the needs of safe navigation.

The authority to create a fairway may be exercised by the Coast Guard only after a study of potential traffic density and use conflicts has been conducted to determine the need for designated safe access routes for vessels proceeding to and from U.S. ports. The study for this rulemaking was initiated by a notice in the **Federal Register** in April 1979 (44 FR 22543, modified at 45 FR 7027). The study results for the ports along the Gulf of Mexico were published on October 8, 1981 (46 FR 49989). On August 9, 1982 the Coast Guard published a notice of proposed rulemaking (47 FR 34432), with specific proposals to add new fairways and fairway anchorages in the Gulf of Mexico. Several comments were received which caused the Coast Guard to re-evaluate the proposed fairways and fairway anchorages. On March 30, 1984 (49 FR 12715) the Coast Guard published a supplemental notice of proposed rulemaking (SNPRM) which contained proposed shipping safety fairway amendments, additions, and anchorages.

This rulemaking will establish two new fairway anchorages in the vicinity of Sabine Bank, adjacent to the existing Sabine Pass Safety Fairway in the approach to Sabine Lake and Port Arthur, Texas (as described in 33 CFR 166.200(d)(12)). These anchorages are intended to improve navigation safety by providing areas where vessels may anchor during periods of reduced visibility or during times when scheduling of port facilities or pilot services causes a delay in arrival. The Sabine Bank/Port Arthur area is a major petrochemical area with a volume of vessel traffic which warrants the designation of new fairway anchorage areas.

The Eighth Coast Guard District considered whether the amount of liquified natural gas/liquified petroleum gas (LNG/LPG) traffic and the draft of LNG/LPG vessels in the Sabine Bank/Port Arthur area and the Calcasieu Lake/Port of Lake Charles, Louisiana would be supported by the designation of an anchorage specifically for LNG/LPG vessels. It was determined that the designation of anchorages specifically for LNG/LPG traffic as proposed in the SNPRM was not needed at this time based on the present low volume of LNG/LPG traffic in both areas and doubt as to the adequacy of the depth of the proposed Sabine Bank LNG/LPG anchorage. The three Sabine Pass anchorage areas as proposed in the SNPRM are renamed in this rulemaking. The Sabine Pass anchorage areas will be renamed the Sabine Pass Inshore Anchorage Area, the Sabine Bank Offshore (North) Anchorage Area, and the Sabine Bank Offshore (South) Anchorage Area.

This rulemaking will establish a new fairway anchorage adjacent to the existing Calcasieu Pass Safety Fairway in the approach to Calcasieu Lake and the port of Lake Charles, Louisiana (described in 33 CFR 166.200(d)(15)). This anchorage will improve navigation safety by accommodating the increased volume of deep draft vessels in the area.

The LNG/LPG designation for the new anchorage has been changed and the two Calcasieu Pass anchorage areas, as described in the SNPRM, have been renamed as North and South fairway anchorage areas in this rulemaking. Also, the geographical positions of the Calcasieu Pass LNG/LPG Anchorage (now Calcasieu Pass South Anchorage Area) have been described in a more logical order.

This rulemaking will establish a new safety fairway at the channel entrance to Lower Mud Lake. This fairway would ensure a corridor free of fixed structures to the channel which is in steady use by offshore crew boats and fishing vessels.

This rulemaking will amend the existing Southwest Pass (Mississippi River) Safety Fairway and anchorage (33 CFR 166.200(d)(28) and (29)) by widening it. The change is intended to establish greater maneuvering area for taking on and letting off pilots near the sea buoy. Also, an error in the geographical description of the Southwest Pass (Mississippi River) to Sea Safety Fairway has been corrected.

Discussion of Comments

Two comments were received in response to the SNPRM published on March 30, 1984. One comment, from Sonat Marine Inc., was strongly in favor of the proposal in the SNPRM. The other comment, from The Standard Oil Company (SOHIO), did not support two of the proposals in the SNPRM and suggested alternatives. The Coast Guard responses to both comments are addressed in the following discussion of the affected areas.

1. Sabine Bank/Port Arthur Anchorages

Sonat Marine Inc. was in favor of the proposals in the SNPRM in their entirety because they better defined the safety fairways in the Gulf of Mexico; allowed the use of the safety fairways to be strictly on a voluntary basis; separated general cargo anchorages from LNG/LPG anchorages; did not obstruct the development of the OCS; and established areas for vessel navigation which cannot be obstructed by fixed offshore oil field equipment.

SOHIO's comment expressed concern about the existence of shoal spots with only 34–38 feet of water immediately south of the proposed general anchorage. The comment noted that the shoal spots could present a hazard to the mariner approaching the anchorage from seaward in a vessel drawing 40 or more feet. The comment expressed concern about Sabine Bank Shoal because 40 feet is the normal full load draft for tank vessels entering ports via Sabine Pass. The comment also expressed concern over the presence of a spoil area to the north. This comment proposed an alternative anchorage area on the eastern side of the Sabine Pass Safety Fairway.

Although the Sabine Pass Anchorage Areas will be unable to handle very deep draft vessels, the anchorages, as proposed, are still needed. Currently, there are numerous vessels that transit the Sabine Pass area that are not constrained by a 34 foot draft and could therefore utilize all the Sabine Pass Anchorage Areas. Also, the 42–47 foot depth of the Sabine Bank Inshore (South) Anchorage Area will accommodate some of the tank vessel traffic entering port via Sabine Pass. The alternative location suggested by SOHIO, at Sabine Bank, could present a serious hazard because if a vessel outbound from Sabine Pass should fail to negotiate the southbound turn at Sabine Bank it would probably proceed into the proposed anchorage area. This could cause considerable damage to vessels at anchor there. The Coast Guard will therefore not adopt this comment.

The names of the Sabine Pass Anchorage Areas have been changed for convenience of reference from Sabine Pass Anchorage Area, Sabine Bank General Anchorage Area, and Sabine Bank LNG/LPG Anchorage Area to Sabine Pass Inshore Anchorage Area (33 CFR 166.200(d)(13)(i)), Sabine Bank Offshore (North) Anchorage Area (33 CFR 166.200(d)(13)(ii)) and Sabine Bank Offshore (South) Anchorage Area (33 CFR 166.200(d)(13)(iii)). There have been no changes to the geographical positions of either fairway anchorage since the supplemental notice of proposed rulemaking.

2. Calcasieu Pass/Lake Charles Anchorage

SOHIO's comment expressed concern about the water depth available in the Calcasieu Pass LNG/LPG anchorage

and proposed an additional deep draft anchorage. The Coast Guard disagrees with this comment since as a result of comments to the NPRM, the Calcasieu Pass LNG/LPG (now the Calcasieu Pass South Anchorage Area) anchorage was shifted fourteen miles further south to deeper water and redescribed in the SNPRM. The alternative proposed by the comment would actually put the anchorage in an area of shallower water and would impact on currently leased tracts.

Although Sonat Marine Inc. supports separate designations for LNG/LPG and general cargo vessels, as mentioned earlier, further analysis by the Eighth Coast Guard District has not indicated a clear and present need to designate special anchorage for LNG/LPG vessels because of the low volume of LNG/LPG traffic density in the area. Therefore, the designation of the Calcasieu Pass LNG/LPG Anchorage Area has been changed. The Calcasieu Pass LNG/LPG Anchorage Area is renamed the Calcasieu Pass South Anchorage (33 CFR 166.200(d)(16)(ii)). The Calcasieu Pass General Anchorage Area is renamed the Calcasieu Pass North Anchorage Area (33 CFR 166.200(d)(16)(i)).

Two of the geographical positions in the description of the Calcasieu Pass LNG/LPG Anchorage Area in the SNPRM were not listed in sequential order. The positions have been resequenced to provide a clear description of the rhumb lines that make up the anchorage.

Southwest Pass Fairways and Anchorage

The fifth position in the description of the Southwest Pass (Mississippi River) to Sea Safety Fairway (28°36'26", 89°18'45") was in error in the SNPRM. The correct position is (28°36'28", 89°18'45"). This safety fairway is described at 33 CFR 166.200(d)(28)(ii).

Regulatory Evaluation

These regulations are considered to be non-major under Executive Order 12291 and non-significant under the Department of Transportation regulatory policies and procedures (44 FR 11034; February 26, 1979). There are no costs associated with the new fairways and anchorages. These designations will contribute to navigation safety without interfering with current development of the OCS. The economic impact of this final rule has been found to be so minimal that further evaluation is unnecessary. Since the impact of this rule is expected to be minimal, the Coast Guard certifies that it will not have a significant impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 166

Anchorage grounds, Marine safety, Navigation (water), Waterways, Shipping safety fairways.

PART 166—[AMENDED]

In consideration of the foregoing, Part 166 of Title 33 CFR is amended as follows:

1. The authority citation for Part 166 continues to read as follows:

Authority: 33 U.S.C. 1223; 49 CFR 1.46(n)(4).

2. Section 166.200 is amended by revising paragraphs (d)(13); (d)(16); (d)(17); (d)(28) (i) and (ii); and (d)(29) to read as follows:

§ 166.200 Shipping Safety Fairways.

* * * * *

(d) *Designated Areas.* All geographical positions in the following designations are North Latitude and West Longitude.

* * * * *

(13) *Sabine Pass Anchorage Areas*—(i) *Sabine Pass Inshore Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude	*Longitude*
29°37'32" N.	93°48'02" W.
29°37'32" N.	93°21'25" W.
29°32'52" N.	93°43'00" W.
29°36'28" N.	93°47'14" W.

(ii) *Sabine Bank Offshore (North) Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude	*Longitude*
29°26'06" N.	93°43'00" W.
29°26'06" N.	93°41'08" W.
29°24'06" N.	93°41'08" W.
29°24'06" N.	93°43'00" W.

(iii) *Sabine Bank Offshore (South) Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude	*Longitude*
29°16'55" N.	93°43'00" W.
29°16'55" N.	93°41'08" W.
29°14'29" N.	93°41'08" W.
29°14'29" N.	93°43'00" W.

* * * * *

(16) *Calcasieu Pass Anchorage Areas*—(i) *Calcasieu Pass North Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude	*Longitude*
29°41'12" N.	93°19'37" W.
29°41'12" N.	93°12'28" W.
29°31'16" N.	93°12'16" W.
29°37'30" N.	93°18'15" W.

(ii) *Calcasieu Pass South Anchorage Area.* The area enclosed by rhumb lines joining points at:

Latitude	*Longitude*
28°59'30" N.	93°16'30" W.
28°59'30" N.	93°14'00" W.
28°56'00" N.	93°14'00" W.
28°56'00" N.	93°16'30" W.

(17) *Lower Mud Lake Safety Fairway.* The area enclosed by rhumb lines joining points at:

Latitude	*Longitude*
29°43'24" N.	93°00'18" W.
29°42'00" N.	93°00'18" W.

and rhumb lines joining points at:

29°43'33" N.	93°00'48" W.
29°42'00" N.	93°00'48" W.

* * * * *

(28) *Southwest Pass (Mississippi River) Safety Fairway*—(i) *Southwest Pass (Mississippi River) to Gulf Safety Fairway.* The area enclosed by rhumb lines joining points at:

Latitude	*Longitude*
28°54'33" N.	89°26'07" W.
28°52'42" N.	89°27'06" W.
28°50'00" N.	89°27'06" W.
28°02'32" N.	90°09'28" W.

and rhumb lines joining points at:

28°54'18" N.	89°25'46" W.
28°53'30" N.	89°25'18" W.
28°53'30" N.	89°23'48" W.
28°50'40" N.	89°24'48" W.
28°48'48" N.	89°24'48" W.
28°47'24" N.	89°26'30" W.
28°00'36" N.	90°08'18" W.

(ii) *Southwest Pass (Mississippi River) to Sea Safety Fairway.* The area enclosed by rhumb lines joining points at:

Latitude	*Longitude*
28°54'33" N.	89°26'07" W.
28°52'42" N.	89°27'06" W.
28°50'00" N.	89°27'06" W.
28°47'24" N.	89°26'30" W.
28°36'28" N.	89°18'45" W.

and rhumb lines joining points at:

28°54'18" N.	89°25'46" W.
28°53'30" N.	89°25'18" W.
28°53'30" N.	89°23'48" W.
28°50'40" N.	89°24'48" W.
28°48'48" N.	89°24'48" W.
28°45'06" N.	89°22'12" W.
28°43'27" N.	89°21'01" W.
28°37'54" N.	89°17'06" W.

* * * * *

(29) *Southwest Pass (Mississippi River) Anchorage.* The area enclosed by rhumb lines joining points at:

Latitude	*Longitude*
28°53'30" N.	89°23'48" W.
28°53'30" N.	89°21'48" W.
28°55'06" N.	89°21'48" W.
28°55'06" N.	89°19'18" W.
28°52'41" N.	89°17'30" W.
28°50'40" N.	89°21'14" W.
28°50'40" N.	89°24'48" W.

* * * * *

Dated: January 17, 1986.

T.J. Wojnar,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation.

[FR Doc. 86-2632 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-14-M

VETERANS ADMINISTRATION

38 CFR Part 36

Loan Guaranty; Extension of Reporting Time for Defaults on Loans

AGENCY: Veterans Administration.

ACTION: Final regulation amendment.

SUMMARY: The VA (Veterans Administration) is amending the reporting requirement on defaulted vendee loans that have been purchased by investors with a repurchase agreement. Previously, holders of such loans had to submit to the VA a notice of default within 30 days after a loan had become two full installments in default. This regulation amendment extends the reporting period to 60 days.

FOR FURTHER INFORMATION CONTACT: Mr. Raymond L. Brodie, Assistant Director for Loan Management (261), Loan Guaranty Service, Department of Veterans Benefits, Veterans Administration, 810 Vermont Avenue NW., Washington, DC 20420, (202) 389–3668.

EFFECTIVE DATE: January 10, 1986.

SUPPLEMENTARY INFORMATION: On July 8, 1985, the VA published in the **Federal Register** (50 FR 27833) proposed amendments to § 36.4600 of the VA's loan guaranty regulations. Public comments were requested on a proposal to extend the time period for reporting defaults to the VA on loans sold by the VA with a repurchase agreement. The amended regulation extends the reporting time from 30 to 60 days after a loan becomes two full installments in default. Please refer to the July 8, 1985 **Federal Register** for a complete discussion of the proposed regulation amendment.

Three comments were received on the proposed amendments. One comment was submitted solely to concur with the proposal.

A second comment suggested that purchasers of VA loans might be less interested in the loans because of the extended reporting time. The VA believes that purchasers will not be less interested in the loans since the extended reporting time simply provides the loan holder with a longer period in which to report defaults, but does not alter either the time for the holder to file a claim for repurchase of the loan amount of the principal, interest and other expenses payable by the VA.

The third comment states that "the additional time allotted under the proposal for reporting should be added to the existing forbearance procedure which has been currently sanctioned by the VA (and not substituted in lieu thereof)." The VA's position is that extending the reporting time actually permits the loan holder to grant additional forbearance prior to reporting the default to the VA, and although the VA has not specified or sanctioned any particular "forbearance" procedure, loan holders are expected to service loans according to industry standards (38 CFR 36.4600(c) (12)) and to accept partial payments (38 CFR 36.4600(c)(15) (i) and (ii)) when appropriate.

The Administrator hereby certifies that these final regulation amendments will not have a signficant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act, 5 U.S.C. 601–612. Pursuant to 5 U.S.C. 605(b), these amendments are exempt from the initial and final regulatory analyses requirements of sections 603 and 604. The amendments will have no impact on small organizations or small government entities. Small businesses may be affected slightly due to relaxation of the reporting requirement, but not to an economically significant degree.

The amended regulation has been reviewed under Executive Order, Federal Regulation, and is not considered major as that term is defined. This regulation will not impact on the public or private sectors as a major rule. It will not have an annual effect on the economy of $100 million or more and will not cause a major increase in costs or prices for consumers, individual industries, government agencies, or geographic regions; nor will it have other significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

Catalog of Federal Domestic Assistance Program Number is 64.114.

List of Subjects in 38 CFR Part 36

Condominiums, Handicapped, Housing loan programs—housing and community development, Manufactured homes, Veterans.

This amendment is promulgated under authority granted the Administrator by sections 210(c) and 1820 of title 38, United States Code.

Approved: January 10, 1986.

Everett Alvarez, Jr.,

Acting Administrator.

§ 36.4600 [Amended]

In 38 CFR Part 36, Loan Guaranty, § 36.4600 is amended by removing the word "hereby" from paragraph (a); by changing the number "30" to "60" in the text and adding the cite "(38 U.S.C. 210(c), 1820)" at the end in paragraph (c)(1); and by changing the title "Secretary of Housing and Urban Development" to "Federal Emergency Management Agency" in paragraph (c)(3).

[FR Doc. 86–2634 Filed 2–5–86; 8:45 am]

BILLING CODE 8320-01-M

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 1 and 94

Private Operational-Fixed Microwave Service; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This action corrects the effective date of the Final Rule document in this proceeding concerning amendments of the rules governing the private operational-fixed microwave service Parts 1 and 94 to make certain non-substantive changes, published on January 21, 1986, 51 FR 2702.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Harold Salters Private Radio Bureau (202) 632–7597.

In FR Doc. 86–941, appearing in the **Federal Register** issue of January 21, 1986, correct the Effective Date line to read: "January 21, 1986."

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86–2496 Filed 2–5–86; 8:45 am]

BILLING CODE 6712-01-M

47 CFR Part 65

[CC Docket No. 84–800; Phase II; FCC 85–645]

Interstate Services of AT&T Communications and Exchange Telephone Carriers; Correction

AGENCY: Federal Communications Commission.

ACTION: Final rule; correction.

SUMMARY: This action corrects typographical errors and omissions that appeared in the Report and Order concerning interstate services of AT&T Communications and Exchange Telephone carriers that was published in the **Federal Register** on January 15, 1986, 51 FR 1795–1814.

FOR FURTHER INFORMATION CONTACT: Steve Goodman, Common Carrier Bureau, 202–632–0745.

Erratum

Authorized rates of return for the interstate services of AT&T Communications and Exchange Telephone carriers (CC Docket No. 84–800, Phase II).

Released: January 17, 1986.

By the Commission.

Several errata were present in the *Report and Order* in CC Docket No. 84–800, Phase II (FCC 85–645, Mimeo Number 36337, released December 20, 1985). In light of the errata contained therein (see correct text, *infra*), all scheduled filings are advanced five business days to permit parties additional time to prepare their pleadings. Under this revised schedule, initial carrier filings are to be made on February 10, 1986. The following modifications should be made to the text of that order. (FR Doc. 515, 51 FR 1795–1838).

1. Table of Contents, last line, 51 FR 1795.

VI. Conclusion.....70–76

2. Para. 1, 51 FR 1795.

1. In this phase of the proceeding, we are establishing procedures and methodologies for represcribing rates of return for the interstate services of AT&T Communications (ATTCOM) and the interstate access services of the local exchange carriers (LECs). Our original Notice of Proposed Rulemaking (*Initial NPRM*)[1] was issued in August of last year. After reviewing the substantial record developed in response to the *Initial NPRM*, we issued a Supplemental Notice of Proposed Rulemaking (*Supplemental Notice*) [2] which refined and modified our initial proposals.

3. Para. 2, 51 FR 1795–1796.

2. The *Supplemental Notice* divided this proceeding into two phases. The Phase I issues, regarding enforcement and interim rates of return, were addressed in an order (*Phase I Order*) recently released.[3] In the *Phase I Order*, we adopted enforcement policies which best balance the interests of ratepayers and investors. We believe the procedures and methodologies we are prescribing will allow us to determine accurately the carriers' costs of capital without creating administrative nightmares.

4. Para. 9, note 25, 51 FR 1797.

25. If we were to begin, initially, with an individual determination of a firm's cost of capital *in toto*, we would have to attempt to remove the effects of non-jurisdictional activities from the firm's financial structure, the firm's cost of embedded debt, the firm's cost of preferred stock, and the firm's cost of common stock.

5. Para. 12, 51 FR 1797.

12. The perceptions of investors, investment analysts or bond rating agencies are accordingly of limited relevance because investors, analysts and bond rating agencies view the firm as a whole in making their decisions. At the present time, an investor cannot invest solely in the interstate access service assets of a local exchange carrier.

6. Para. 26, 51 FR 1800.

26. Commenting parties raise some concerns that cause us to conclude that we should not utilize the state authorized returns as a presumptively correct cost of capital for interstate exchange access services, although we do intend to collect and use that information in determining the interstate rate of return. In criticizing our proposed use of state authorized returns, parties argue that use of costs of capital set at the state level would be inconsistent with the Commission's intent to prescribe accurately an interstate rate of return. One criticism relates to timing. The Commission is attempting to prescribe an exchange carrier rate of return for the upcoming two-year period, yet many of the state authorizations are several years old. According to Southwestern Bell, nearly one-third of the prescriptions for the Bell Operating Companies predate the divestiture.[60] We agree that when interest rates and costs of capital fluctuate widely, a previous state determination might not correspond with current interstate costs of capital.[61]

7. Para. 32, note 66, 51 FR 1801.

66. We would also expect that interexchange carriers or customers would identify instances in which in which a state's treatment was inconsistent with, and more generous than, Commission treatment.

8. Para. 35, 51 FR 1802.

35. We have decided that we should use a RHC DCF composite methodology with certain modifications as one of the methods for the determination of an interstate access return. We will also use a comparable firm method that is described in Part D. We will not use the Capital Asset Pricing Model ("CAPM") or the risk premium approaches that were described in the *Supplemental Notice*. Those approaches ultimately rely upon a variation of the DCF approach to calculate a cost of equity capital. We have concluded that those additional measurements are not necessary.

9. Para. 38, note 74, 51 FR 1802.

74. This procedure guarantees a "true up" every two years that is based upon the actual daily market performance of each share of common stock. We have decided to use New York Stock Exchange share price trading data because of the requirements that the New York Stock Exchange imposes upon listed companies and member firms, and the broad volume of trading that occurs on the New York Stock Exchange. Data services, however, more frequently report New York Stock Exchange Composite price data (*i.e.*, daily price data for NYSE listed firms for all exchanges, rather than price data that is unique to the New York Stock Exchange). In light of this limitation, and the comparatively short period of time that parties will have to prepare their pleadings (as contrasted with the next represcription cycle), we have decided to utilize composite exchange price data for this represcription cycle.

10. Para. 39, 51 FR 1802.

39. The *Supplemental Notice* discussed a tentative preference for adjusting the last quarter's dividend by the growth rate that was expected to occur during the period that the prescription would be in effect.[76] In light of our decision to represcribe automatically the cost of equity every two years on the basis of the actual data, we have concluded that it is neither necessary nor desirable to attempt to reconcile conflicting estimates of expected growth rates of dividends in computing the value of D that is to be utilized. Instead, we have decided to use the average of annual dividends that were actually paid during the two years that immediately precede the represcription filing. The average of those dividends is readily determinable and unambiguous. In addition, the availability, in computer data bases, of actual, as compared with declared, dividends, should facilitate computer assisted analyses of the costs of common stock equities.

11. Para. 38, note 75, 51 FR 1802.

See para. 48, *infra*. Our decision to use daily trading data is also more consistent with our decisions to use experienced (actual) annual growth rates of dividends (*see* para. 40, *infra*), and the average annual dividend during the two year period preceding each represcription filing (*see* para. 39, *infra*), rather than using estimates of those values.

12. Para. 40, note 78, 51 FR 1802.

78. G_1 is derived from the slope ("B") of the ordinary least squares trend line of quarterly dividends that were declared during the two calendar years preceding the represcription filing, where

$$G_1 = \left[\frac{B}{\text{Average Quarterly Dividend}} + 1 \right]^4 - 1.$$

13. Para. 45, 51 FR 1803.

45. The debt component includes short, intermediate, and long term issues. The cost of debt shall be the most recent embedded cost of debt [89] at the time that the initial rate of return filings are made (see Appendix A). The amount of debt to be used in calculating the relative weight of debt in the WACC will be the book value of that debt.[90] Straight preferred stock, for weighting purposes, shall be treated in the same manner as short and intermediate term debt. Its cost will be the most recently available embedded dividend cost (*i.e.*, dividend divided by book value) at the time of the most recent balance sheet that has been filed with the SEC prior to the filings that are required in Part 65 of our rules. The weight will be based upon the book value of the straight preferred stock that is outstanding.

14. Para. 47, note 92, 51 FR 1804.

92. See paras. 49–51, *infra.*

15. Para. 48, note 93, 51 FR 1804.

93. The *Supplemental Notice* discussed the possibility of determining, over time, sets of analysts whose estimates of G would be included in the record. Based upon the comments that have been filed in this proceeding, we have concluded that it is neither necessary nor desirable to entertain disputes as to the composition of such a group. *See Supplemental Notice* at paras. 63–64, n.56.

16 Para. 50, note 97, 51 FR 1804.

97. For this purpose, we have defined the coefficient of variation to be the standard deviation about the ordinary least squares trend line, divided by the simple average of the data. Coefficients of variation for comparable firms are to be based upon quarterly data for eight quarters preceding the prescription filing. Only those firms are to be included that have reported expense and revenue data for eight quarters as of the date of the represcription filing. For many firms, this limitation will constrain the data set to those firms whose most recent SEC filing was for the third quarter of the year immediately preceding the represcription filing.

17. Para. 50, note 98, 51 FR 1804.

98. The trend data and variability would be measured on a quarterly basis by combining the monthly NECA data for the months that are contained within each quarter. "Expenses" for coefficient of variation analyses would not include Federal income taxes. If the sample size that results from this procedure is abnormally small, we may consider: (i) Employing a single detrended coefficient of variation of operating income screen that is based upon NECA revenues minus NECA expense (*i.e.*, a single income screen in lieu of the two coefficient of variation screens that are based upon two income components); (ii) identifying a sample size among firms that are otherwise comparable (*i.e.*, that meet the other screen requirements) that would be centered upon one or more detrended coefficient of variation screens; or (iii) utilizing the methodology identified by AT&T for comparable firms (*see* AT&T comments at 10–14).

18. Para. 53, note 102, 51 FR 1805.

102. *See* AT&T Comments at 12, Attachment A.

19. Para. 54, note 104, 51 FR 1805.

104. For the filing to be submitted on February 10, AT&T shall perform the analyses specified in § 65.500 of the Commission's Rules. In this regard, AT&T shall, pursuant to § 65.500(c)(1), exclude those firms that did not have a Standard and Poor's credit rating, on one or more debt issues, of AA– or better (or equivalent Moodys or Fitches ratings) during the two calendar years immediately preceding the represcription filing. Pursuant to § 65.500(c) (2) and (3), AT&T shall determine a set of comparable firms that are based upon the detrended coefficients of variation of expenses and net revenues that are calculated on the basis of quarterly Interstate Monthly Report No. 1 data for the two calendar years immediately preceding the represcription filing. In addition to the set of comparable firms thus determined, pursuant to § 65.500(d) AT&T shall further identify, and perform comparable firm cost of capital measurements in accordance with the formulae, methodologies, data, and calculations that are specified in § 65.300–304, upon a second set for firms that are determined under the coefficient of variation net income methodology for ATTCOM that is specified in pages 12–13 and Statement of Lindenberg and Vinson, Attachment A, pages 1–4, of AT&T's September 25, 1985 Comments in this proceeding. In determining the two sets of comparable firms, AT&T should utilize the NYSE universe of companies, rather than just those in the Standard and Poor's 500, as had been suggested in its comments. *See* para. 53, *supra.* Thus, both sets of comparable firms will utilize the same initial screens (NYSE listed companies and a credit rating of AA– or better), but will differ with respect to the coefficient of variation screens.

§ 65.102 [Corrected]

20. In the Appendix (51 FR 1809), § 65.102(b)(1) is corrected to read:

* * * * *

(b) * * *

(1) Initial carrier rate of return submissions for the prescribed methodologies shall not exceed 70 pages in length. Data prescribed by §§ 65.201(a)(1) and (2), 65.201(b), and 65.300–65.400 are not counted in the 70 pages.

* * * * *

§ 65.201 [Corrected]

21. In the Appendix (51 FR 1810), § 65.201(b)(3) is corrected to read:

* * * * *

(b) * * *

(3) The embedded cost of debt (expressed as an annual rate, see § 65.301) that applies to each debt obligation that is contained in the most recent financial structure that has been filed with the Securities and Exchange Commission.

§ 65.300 [Corrected]

* * * * *

22. In the Appendix (51 FR 1811), § 65.300, first paragraph is corrected to read:

Sections 65.301–304 specify the calculations that are to be performed in computing the weighted average cost of capital for each firm for whom a weighted average cost of capital is calculated. Financial structure weights, debt issues, and classes of preferred and common stock are to be calculated on the basis of the most recent position statement (10–Q or 10–K) that has been filed with the Securities and Exchange Commission. The calculations of costs of capital and their weights shall be calculated to eight decimal places and shall not be rounded at the eighth decimal place.

* * * * *

23. In the Appendix (51 FR 1811), § 65.300(b)(1) is corrected to read:

* * * * *

(b) * * *

(1) for short term debt components (and the short term component of capitalized leases), the "Prime Bank Loan Rate";

* * * * *

24. In the Appendix (51 FR 1811), § 65.300(b)(3) is corrected to read:

(b) * * *

(3) for capitalized long term lease obligations, the internal rate of return, unless that rate cannot be calculated in which case the "Corporate AAA Bonds" rate;

* * * * *

§ 65.301 [Corrected]

25. In the Appendix (51 FR 1811), § 65.301(a), the formula is corrected to read:

(a) * * *

$$K_{dip} = \frac{\text{(Effective Annual Interest Rate)}}{\text{(Principal)}} \text{ Net Proceeds} - \frac{\text{(Premium) (365.25)}}{\text{(Net Proceeds) (N)}}$$

* * * * *

26. In the Appendix (51 FR 1811), § 65.301(b)—formula is corrected to read:

(a) * * *

$$K_{did} = \frac{\text{(Effective Annual Interest Rate)}}{\text{(Principal)}} \text{ Net Proceeds} + \frac{\text{(Discount) (365.25)}}{\text{(Net Proceeds) (N)}}$$

* * * * *

27. In the Appendix (51 FR 1812), § 65.301(c)—formula is corrected to read:

* * * * *

(c) * * *

$$K_{dip}1 = \frac{\text{(Effective Annual Interest Rate) (Principal)—(Premium) (n)}^{-1}}{\text{Net Proceeds}}$$

* * * * *

28. In the Appendix (51 FR 1812), § 65.301(d)—formula is corrected to read:

* * * * *

(d) * * *

$$K_{did}1 = \frac{\text{(Effective Annual Interest Rate) (Principal)+(Discount) (n)}^{-1}}{\text{Net Proceeds}}$$

* * * * *

§ 65.303 [Corrected]

29. In the Appendix (51 FR 1812), § 65.303(a) is corrected to read:

(a) *General.* The cost of each issue of common stock (K_e) is to be calculated by the general formula: $K_e = D/P + G_i$; where D is the average annual dividend during the two calendar years preceding the represcription filing, P is the average daily price of that issue of common stock during each trading day during the two calendar years that precede the represcription filing, and G_i is the annual rate of growth as hereinafter defined ($G_i = G_1, G_2$). The calculations of the cost of common stock equity should consistently adjust D, P, and G, for stock splits and dividends of shares of common stock.

* * * * *

30. In the Appendix (51 FR 1812), § 65.303(b) is corrected to read:

* * * * *

(b) *Calculation of Dividend* ("D"). D is the average of the annual dividends that have been paid during the two calendar years that precede the represcription filing.

* * * * *

§ 65.304 [Corrected]

31. In the Appendix (51 FR 1812), § 65.304(c) is corrected to read:

* * * * *

(c) The weight that is to be applied to each cost of capital component shall be equal to the book value of that component divided by the total book values of all cost of capital components for each firm for whom a cost of capital has been computed. The total of all weights that are calculated in the computation of the weighted average cost of capital of any firm shall be 1.0000000.

* * * * *

§ 65.400 [Corrected]

32. In the Appendix (51 FR 1813), § 65.400(a)(1) is corrected to read:

(a) * * *

(1) Continuously filed quarterly and annual financial statements with the Securities and Exchange Commission during the eight quarters that are closest to the represcription filing;

* * * * *

33. In the Appendix (51 FR 1813), § 65.400(e)(3) is corrected to read:

(e) * * *

(3) The computation of the NECA coefficients of variation for the February 10, 1986 filing shall be computed on the basis of monthly NECA data. For subsequent represcription filings, the monthly NECA data shall be aggregated into quarterly NECA expense and revenue data to compute coefficients of variation that are based upon that quarterly data. Coefficients of variation for comparable firms shall be calculated on the basis of quarterly data. Linear trend lines are to be computed on the basis of ordinary least squares. The detrended coefficient of variation that is to be calculated, in each instance, is the standard deviation from the ordinary least squares linear trend line of each data series divided by the average value of the data series.

* * * * *

Federal Communications Commission.

William J. Tricarico,

Secretary.

[FR Doc. 86-1616 Filed 2-5-86; 8:45 am]

BILLING CODE 6712-01-M

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47 CFR Part 74

[MM Docket No. 85-126; FCC 86-58]

Radio and Television Broadcasting; Review of Technical and Operational Requirements

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This action deregulates Part 74 of the Commission's Rules, pertaining to technical and operational requirements for remote pickup stations and wireless microphones. The purpose of these amendments is to provide auxiliary station licensees with the maximum allowable design and operational flexibility. These changes are also intended to encourage more efficient use of the spectrum.

EFFECTIVE DATE: March 10, 1986.

ADDRESS: Federal Communications Commission, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Hank VanDeursen, Mass Media Bureau, (202) 632-9660.

SUPPLEMENTARY INFORMATION:

List of Subjects in 47 CFR Part 74

Radio broadcasting, TV broadcasting.

Report and Order

In the matter of Review of Technical and Operational Requirements: Part 74-D Broadcast Remote Pickup Service; and Part 74-H Low Power Auxiliary Stations (MM Docket No. 85-126).

Adopted: January 23, 1986.

Released: January 30, 1986.

By the Commission.

Introduction/Background

1. The Commission has under consideration, a *Notice of Proposed Rule*

Making (Notice)[1] in the above captioned matter and the comments and reply comments filed in response thereto.[2] The *Notice* proposed to revise certain rules covering technical and operational requirements for remote pickup (RPU) stations and wireless microphone licensees. Such stations are used to transmit aural program material and control signals from an event back to the broadcast studio or from a performer to a local reception point. The proposed actions would allow more flexibility for licensees and provide for more efficient use of the spectrum.

Issue 1: Cable System Eligibility

2. The *Notice* proposed to permit cable entities, serving a minimum number of subscribers, to use certain broadcast RPU spectrum for electronic news gathering (ENG).

3. TBS, while strongly supporting the above proposal for cable entry, requested that the Commission adopt rigid eligibility requirements to allow only cable network entry into the RPU spectrum because those bands are already quite congested in certain metropolitan areas. TBS also concurred with other commenters regarding the need for frequency coordination by all RPU licensees, to maximize use of the RPU spectrum.

4. CRB, representing cable television operators, stated that they have no particular need for aural remote authorizations. CRB's comments read, "With the exception of some FM services and occasional subcarrier services, most cable television spectrum usage is for distribution of video services."

5. NBC pointed out that cable entities engaged in true ENG activities have always been accommodated with authorization to use broadcast auxiliary frequencies.[3] NBC further submitted that, "many cable systems in fact do not engage in the sort of activities for which broadcasters use remote pickup frequencies. Many systems merely retransmit cable network and broadcast programming that already has been packaged." They expressed concern that use of the remote pickup frequencies for other business purposes, such as billing, would critically overburden the remote pickup frequencies.

6. CBS recommended that the Commission not extend remote pickup licensing eligibility cable interests and system operators, especially in the top 25 markets. This is due to the increased dependence of broadcasters on the scarce remote pickup spectrum. They requested that, if the Commission extends eligibility to cable interests, the eligibility be restricted to the 450 MHz spectrum, subject to prior frequency coordination, and that the proposed use be disclosed. This would ensure that the scarce spectrum space is devoted solely to "functions for which the Commission has designated."

7. NAB opposed the proposal stating that cable interests do not have any public interest programming duties as broadcasters do, and the increased congestion and interference resulting from cable interest stations in the scarce RPU spectrum would jeopardize broadcast ENG efforts. Further, they stated that the frequency coordination effort would certainly be complicated leading to less efficient use of the RPU spectrum. NAB also pointed out that there may be other means available to cable interests to satisfy their aural link requirements, such as the "two-way" capability of cable systems.

8. The RPU spectrum is already congested in certain markets, and the impact that additional users would have on that spectrum are the major concerns expressed in the comments. The Commission realizes that even if some additional users can be accommodated, allowing unlimited cable access could cause additional interference in the band, thus, drastically decreasing the usefulness of these types of facilities to many users whose access priority should be high. We further note that the broadcast auxiliary bands play an important role in ENG service. In this service, news events, which occur at random times and locations, may attract a large number of mobile units that need simultaneous transmission paths to their base stations. Given the unpredictability of these events, and the desirability of providing a high quality broadcast signal to the public, it is essential that all users coordinate operations in the band to prevent harmful interference.

9. Comments received indicate that individual cable systems, unlike cable networks that originate considerable programming, have no particular need for RPU spectrum.[4] Accordingly, the rules we adopt today are designed to provide new service where it is needed while limiting the number of additional eligible RPU licensees. These rules will allow cable networks that serve at least 5,000,000 subscribers access to the 450 MHz RPU band for the purpose of producing ENG programming.[5] Cable networks, actively engaged in ENG programming, and simultaneously distributing that program material to a large national or regional audience provide a service comparable to that provided by broadcast networks. Thus, we believe that cable networks providing such service should be accommodated in the RPU spectrum even if this involves some level of increased congestion in certain major markets. Even so, we fully expect that the number of additional eligible entrants will be small and that their presence will not have a serious adverse impact to existing stations operating in this spectrum.

Issue 2: Short Term Operation Flexibility

10. We proposed expanding a current provision in the Rules which permits operation on RPU channels for 30 days per year, without specific authority from the Commission. Specifically, the "30-day" limit would not apply to RPU stations operating within 50 miles of the broadcast studio or transmitter to broadcasters eligible for short term operation. Further, local operation would not be subject to secondary status as in short term operation.

11. The record supports the proposal, provided that there is prior frequency coordination with other licensees in the local area.[6] CBS requested clarification of "broadcast facility" (as proposed). NBC emphasized that prior frequency coordination would be essential, in addition to maintaining accurate records at the local level, because there would be no central records of stations maintained by the Commission.

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[1] Adopted April 25, 1985 (50 FR 19555, May 9, 1985).

[2] Comments were submitted by: A.D. Ring & Associates (Ring); Association of Federal Communications Consulting Engineers (AFCCE); Association of Maximum Service Telecasters (MST); CBS Inc (CBS); Cole, Raywid, & Braverman (CRB); ESPN, Inc (ESPN); Hubbard Broadcasting, Inc (Hubbard); National Cable Television Association, Inc (NCTA); National Broadcasting Company, Inc (NBC); National Association of Broadcasters (NAB); Society of Cable Television Engineers, Inc (SCTE); Turner Broadcasting System, Inc (TBS); and WSAL-AM/FM (WSAL). Reply comments were submitted by: Hubbard; MST; NAB; National Public Radio (NPR); NCTA; Society of Broadcast Engineers (SBE); and TBS.

[3] NBC cited the Cable News Network as an example.

[4] See comments from CRB, NBC, and NAB.

[5] Although we originally proposed 250,000 subscribers, commenters were very concerned about the increased interference that could result from entry of additional stations. Therefore, we have chosen to proceed very conservatively by raising the eligibility requirements to cable entities serving more than 5,000,000 subscribers. Since this may preclude eligibility to some local and regional sports networks, we may wish to revisit this issue at a future date.

[6] See comments from CBS, NBC, TBS, NAB, Hubbard, and AFCCE.

12. Accordingly, we will amend the Rules as proposed, with the clarification requested by CBS and provisions discussed above. This action will also institute a notification process for RPU stations eligible to operate under their Part 73 license. This notification procedure will permit eligible broadcasters to begin operation of their auxiliary stations on the day their RPU applications are submitted to the Commission. Pending official authorization, the Commission can require that operation be suspended without hearing. Also, the Commission will continue to maintain centralized records of stations for an indefinite period until local frequency coordinators can take over the task. We note that there is a pending petition for rule making before the Commission [7] and may further address this issue in that docket.

Issue 3: Remote Control

13. The record supports revision of the remote control rules to provide more flexibility in the design and operation of auxiliary systems.[8] Accordingly, the remote control rules will be amended as proposed. We note, however, the *Notice of Proposed Rule Making* in MM Docket No. 85–225 proposed additional flexibility for remote control operations for Part 74–A Experimental Broadcast Stations and for Part 74–I Instructional Television Fixed Service stations.[9] In light of that proposal, if such rules are adopted, the Chief of the Mass Media Bureau may similarly amend the rule parts covered by this Order through an Order on delegated authority.

Issue 4: Wireless Microphones in the 944–947 MHz Band

14. The record supports extending the lower portion of the 950 MHz wireless microphone band to include 944–947 MHz. CBS, NBC, and AFCCE supported this proposal as providing additional resources to broadcasters without causing additional interference. Accordingly, the wireless microphone rules will be adopted as proposed.

Other Considerations

15. We proposed to make some non-substantive revisions to certain rule sections providing more flexibility to licensees operating RPU stations. These sections include: § 74.431, Special rules applicable to remote pickup stations; § 74.432, Licensing requirements and procedures; § 74.436, Special requirements for automatic relay stations; § 74.465, Frequency monitors and requirements; § 74.467, Posting of licenses; and § 74.867, Posting of licenses. The record supported these revisions. CBS requested that the amending language proposed for § 74.431(e) be clarified to remain consistent with current rules regarding power limits of hand-carried and pack-carried units used with vehicular repeaters. Accordingly, those revisions will be adopted as proposed and § 74.431(e) will be clarified.

Regulatory Flexibility Final Analysis

16. *Need and purpose of this action:* Through this decision, the Commission hopes to increase spectrum efficiency while allowing licensees maximum flexibility. The lack of spectrum to accommodate demands for auxiliary services necessitates that current bands be used more efficiently.

17. *Summary of issues raised by the public comments in response to the Initial Regulatory Flexibility Analysis:* No issues of significance were raised in addition to those set forth above.

18. *Significant alternatives considered and rejected:* The Commission considered the alternatives presented in the *Notice* and timely filed comments directed to the various issues in the *Notice*. After weighing all aspects of this proceeding, the Commission has adopted the course of action it deems most reasonable for the public interest under the Communications Act of 1934, as amended.

Paperwork Reduction Act

19. The Order contained herein has been analyzed with respect to the Paperwork Reduction Act of 1980 and found to contain no new or modified form, information collection and/or recordkeeping, labeling, disclosure, or record retention requirements; and, except for a small adjustment due to the additional applications expected to be received, will not increase or decrease burden hours imposed on the public.

Actions

20. The Secretary shall cause a copy of this *Report and Order*, including the Final Regulatory Flexibility Analysis, to be sent to the Chief Counsel for Advocacy of Small Business Administration, in accordance with section 603(a) of the Regulatory Flexibility Act (Pub. L. 96–354, 94 Stat. 1164, 5 U.S.C. 601 *et seq*), (1981).

21. Accordingly, it is ordered that Part 74 of the Commission's Rules is amended as set forth in the attached Appendix, to be effective March 10, 1986. The actions taken herein are pursuant to 5 U.S.C. 553(d)(1). Authority for the actions taken herein is contained in Sections 4(i) and 303(r) of the Communications Act of 1935, as amended.

22. Further information on this proceeding may be obtained by contacting Hank VanDeursen, Mass Media Bureau, (202) 632–9660.

Federal Communications Commission.

William J. Tricarico,

Secretary.

Appendix

PART 74—[AMENDED]

47 CFR Part 74 is amended as follows:

1. The authority citation for Part 74 continues to read as follows:

Authority: 47 U.S.C. 154 and 303.

2. 47 CFR Part 74 is amended by adding a new § 74.2 *General definitions* to read as follows:

§ 74.2 General definitions.

Broadcast network-entity. A broadcast network-entity is an organization which produces programs available for simultaneous transmission by 10 or more affiliated broadcast stations and having distribution facilities or circuits available to such affiliated stations at least 12 hours each day.

Cable network-entity. A cable network-entity is an organization which produces programs available for simultaneous transmission by cable systems serving a combined total of at least 5,000,000 subscribers and having distribution facilities or circuits available to such affiliated stations or cable systems.

§ 74.401 [Amended]

3. 47 CFR 74.401 *Definitions* is amended by removing the definition for *Network entity.*

4. 47 CFR 74.402 is amended by revising the introductory text of paragraph (a) to read as follows:

§ 74.402 Frequency assignment.

(a) The following frequencies may be assigned for use by remote broadcast pickup stations and broadcast network-entities. Frequencies between 450.025–450.975 and 455.025–455.975 MHz may also be assigned for use by cable network-entities.

* * * * *

[7] RM–5179, *Amendment of Subparts of the Commission's Rules and Regulations Concerning Frequency Coordination for Auxiliary Radio Broadcast Services.* Petition for rule making submitted by the Society of Broadcast Engineers. Public Notice given on October 8, 1985 (Report No. 1540).

[8] See comments from CBS, NBC, Turner, and AFCCE.

[9] Adopted July 9, 1985 (50 FR 30979, July 31, 1985).

5. 47 CFR § 74.431 is revised in its entirety to read as follows:

§ 74.431 Special rules applicable to remote pickup stations.

(a) Remote pickup mobile stations may be used for the transmission of material from the scene of events which occur outside the studio back to studio or production center. The transmitted material shall be intended for the licensee's own use and may be made available for use by any other broadcast station or cable system.

(b) Remote pickup mobile or base stations may be used for communications related to production and technical support of the remote program. This includes cues, orders, dispatch instructions, frequency coordination, establishing microwave links, and operational communications. Operational communications are alerting tones and special signals of short duration used for telemetry or control.

(c) Remote pickup mobile or base stations may communicate with any other station licensed under this subpart.

(d) Remote pickup mobile stations may be operated as a vehicular repeater to relay program material and communications between stations licensed under this subpart. Precautions shall be taken to avoid interference to other stations and the vehicular repeater shall only be activated by hand-carried or pack-carried units.

(e) The output of hand-carried or pack-carried transmitter units used with a vehicular repeater is limited to 2.5 watts. The output of a vehicular repeater transmitter used as a talkback unit on an additional frequency is limited to 2.5 watts.

(f) Remote pickup base and mobile stations in Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands may be used for any purpose related to the programming or technical operation of a broadcasting station, except for transmission intended for direct reception by the general public.

(g) A broadcast licensee eligible for "short-term operation" under § 74.24, may operate RPU base or mobile stations under the authorization of the Part 73 license for an indefinite period upon filing an application for auxiliary operation with the Commission and subject to the conditions of § 74.24 (a), (b), (e), (f), (h), (i), and to the conditions set forth below:

(1) The auxiliary station is located within 50 miles (80 km) of the broadcast studio or broadcast transmitter.

(2) The applicant must coordinate the operation with all affected co-channel and adjacent channel licensees in the area of operation. This requirement can be satisfied by coordination with the local frequency committee if one exists.

(3) Such operation shall be suspended immediately upon notification from the Commission or by the Engineer in Charge (EIC) of the Commission's local field office, and shall not be resumed until specific authority is given by the Commission or EIC. When authorized by the EIC, short test operations may be made.

(4) Operation under this provision is not permitted between 152.87 MHz and 153.35 MHz.

(h) In the event that normal aural studio to transmitter circuits are damaged, stations licensed under Subpart D may be used to provide temporary circuits for a period not exceeding 30 days without further authority from the Commission necessary to continue broadcasting.

(i) Remote pickup mobile or base stations may be used for activities associated with the Emergency Broadcast System and similar emergency survival communications systems. Drills and tests are also permitted on these stations, but the priority requirements of § 74.403(b) must be observed in such cases.

6. 47 CFR 74.432 is amended by deleting paragraph (l); and revising paragraphs (a), (b), (c), (d), (e), (f), and (j) to read as follows:

§ 74.432 Licensing requirements and procedures.

(a) A license for a remote pickup station will be issued to: the licensee of an AM, FM, noncommercial FM, TV, international broadcast or low power TV station; broadcast network-entity; or cable network-entity.

(b) Base stations may operate as automatic relay stations on the frequencies listed in § 74.402(a) (6) and (8) under the provisions of § 74.436, however, one licensee may not operate such stations on more than two frequencies in a single area.

(c) Base stations may use voice communications between the studio and transmitter or points of any intercity relay system on frequencies in Groups I and J.

(d) Base stations may be authorized to establish standby circuits from places where official broadcasts may be made during times of emergency and circuits to interconnect an emergency survival communications system.

(e) In Alaska, Guam, Hawaii, Puerto Rico, and the Virgin Islands, base stations may provide program circuits between the studio and transmitter or to relay programs between broadcasting stations. A base station may be operated unattended in accordance with the following:

(1) The station must be designed, installed, and protected so that the transmitter can only be activated or controlled by operators authorized by the licensee.

(2) The station must be equipped with circuits to prevent transmitter operation when no signal is received from the station which it is relaying.

(f) Remote pickup stations may use only those frequencies and bandwidths which are necessary for operation.

* * * * *

(j) The license shall be retained in the licensee's files at the address shown on the authorization, posted at the transmitter, or posted at the control point of the station.

* * * * *

7. 47 CFR 74.434 is revised in its entirety to read as follows:

§ 74.434 Remote control operation.

(a) A remote control system must provide adequate monitoring and control functions to permit proper operation of the station.

(b) A remote control system must be designed, installed, and protected so that the transmitter can only be activated or controlled by operators authorized by the licensee.

(c) A remote control system must prevent inadvertent transmitter operation caused by malfunctions in the circuits between the control point and transmitter.

8. 47 CFR 74.436 is revised in its entirety to read as follows:

§ 74.436 Special requirements for automatic relay stations.

(a) An automatic relay station must be designed, installed, and protected so that the transmitter can only be activated or controlled by operators authorized by the licensee.

(b) An automatic relay station may accomplish retransmission of the incoming signals by either heterodyne frequency conversion or by modulating the transmitter with the demodulated incoming signals.

(c) An automatic relay station transmitter may relay the demodulated incoming signals from one or more receivers.

9. 47 CFR 74.465 is revised in its entirety to read as follows:

§ 74.465 Frequency monitors and measurements.

The licensee of a remote pickup station or system shall provide the necessary means to assure that all operating frequencies are maintained within the allowed tolerances.

§ 74.467 [Removed]

10. 47 CFR 74.467 Posting of Licenses is removed in its entirety.

§ 74.801 [Amended]

11. 47 CFR 74.801 Definitions is amended by removing the definition Network entity.

§ 74.802 [Amended]

12. 47 CFR 74.802 Frequency assignment is amended by changing the occurrence of "947–952 MHz" to read "944–952 MHz."

§ 74.831 [Amended]

13. 47 CFR 74.831 Scope of service and permissible transmissions is amended by changing the occurrence of "947–952 MHz" to read "944–952 MHz."

14. 47 CFR 74.832 is amended by adding a new paragraph (j) to read as follows:

§ 74.832 Licensing requirements and procedures.

* * * * *

(j) The license shall be retained in the licensee's files at the address shown on the authorization, posted at the transmitter, or posted at the control point of the station.

§ 74.867 [Removed]

15. 47 CFR 74.867 Posting of licenses is removed in its entirety.

16. 47 CFR 74.832 is amended by revising paragraphs (a)(2) and (c) to read as follows:

§ 74.832 Licensing requirements and procedures.

(a) * * *

(2) A broadcast network entity.

* * * * *

(c) Licensees of AM, FM, TV, and International broadcast stations; low power TV stations; and broadcast network entities may be authorized to operate low power auxiliary stations in the frequency bands set forth in § 74.802(a).

* * * * *

[FR Doc. 86–2500 Filed 2–5–86; 8:45 am]

BILLING CODE 6712-01-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Parts 611 and 672

[Docket No. 51180–5180]

Foreign Fishing, Groundfish of the Gulf of Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of inseason adjustment.

SUMMARY: NOAA announces the apportionment of amounts of the Pacific cod domestic annual harvest (DAH) in the Central area to foreign fishermen under provisions of the fishery management plan for groundfish of the Gulf of Alaska. This action is necessary to provide sufficient Pacific cod as a target species. This reapportionment is intended as a management measure that promotes fuller utilization of Gulf of Alaska groundfish.

DATES: February 3, 1986. Comments on this action are invited until March 5, 1986.

ADDRESSES: Send comments to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. The aggregate data upon which this adjustment is based will be available for public inspection during business hours at the Alaska Regional Office, NMFS, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Ronald J. Berg (Fishery Management Biologist, NMFS), 907–586–7230.

SUPPLEMENTARY INFORMATION: Under rules appearing at 50 CFR Part 672, Gulf of Alaska optimum yields (OYs) are apportioned initially among DAH, reserve, and the total allowable level of foreign fishing (TALFF). NOAA announced 1986 interim apportionments of OY for each category of groundfish in the Gulf of Alaska at 51 FR 956 (January 9, 1986), which revised § 672.20(a) Table 1. Under § 672.20(c)(2), the Secretary may apportion surplus DAH to TALFF on such dates as he determines necessary. In accordance with these regulations, the Director, Alaska Region, NMFS, has consulted with the North Pacific Fishery Management Council and determined that 3,880 metric tons of Pacific cod in the Central Regulatory Area will not be harvested by U.S. fishermen during the remainder of the year, and that immediate action is necessary to apportion this amount to TALFF. This action announces apportionment of 3,880 metric tons of Pacific cod from DAH to TALFF as shown in the table below.

TABLE 1.—GULF OF ALASKA REAPPORTIONMENT OF DAH

[Figures are in metric tons]

	Current	This action	Revised
Pacific cod (Central Regulatory Area):			
DAH	26,832	−3,880	22,952
TALFF	0	+3,880	3,880

Classification

This action is taken under 50 CFR Parts 611 and 672, and complies with Executive Order 12291.

In view of the need to avoid disruption of foreign and domestic fisheries, the Agency has determined that delaying the effective date of this notice would be impracticable, unnecessary, and contrary to the public interest.

List of Subjects in 50 CFR Parts 611 and 672

Fisheries, Reporting and recordkeeping requirements.

(16 U.S.C. 1801 *et seq.*)

Dated: February 3, 1986.

Joseph W. Angelovic,

Deputy Assistant Administrator For Science and Technology, National Marine Fisheries Service.

[FR Doc. 86–2660 Filed 2–3–86; 4:56 pm]

BILLING CODE 3510-22-M

50 CFR Part 671

[Docket No. 41154–4154]

Tanner Crab off Alaska

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of season closure.

SUMMARY: The Director, Alaska Region, NMFS (Regional Director), has determined that the Tanner crab fishery in the Southwest Section of the Kodiak District of Registration Area J must be closed in order to protect Tanner crab stocks. The Secretary of Commerce therefore issues this notice closing fishing for Tanner crab by vessels of the United States in the Southwest Section effective February 3, 1986. This action is intended as a management measure to conserve Tanner crab stocks.

DATES: This notice is effective at noon, Alaska Standard Time (AST), February 3, 1986. Public comments on this notice of closure are invited until February 18, 1986.

ADDRESS: Comments should be sent to Robert W. McVey, Director, Alaska Region, National Marine Fisheries Service, P.O. Box 1668, Juneau, AK 99802. During the 15-day comment period, the data on which this notice is based will be available for public inspection during business hours (8:00 a.m. to 4:30 p.m. AST, weekdays) at the NMFS Alaska Regional Office, Federal Building, Room 453, 709 West Ninth Street, Juneau, Alaska.

FOR FURTHER INFORMATION CONTACT: Raymond E. Baglin (Fishery Management Biologist, NMFS), 907–586–7230.

SUPPLEMENTARY INFORMATION: The Fishery Management Plan for the Commercial Tanner Crab Fishery off the Coast of Alaska (FMP), which governs this fishery in the fishery conservation zone under the Magnuson Fishery Conservation and Management Act (Magnuson Act), provides for inseason adjustments of season and area openings and closures. Implementing regulations at § 671.27(b) specify that notices of these adjustments will be issued by the Secretary of Commerce under criteria set out in that section.

Section 671.26(f) establishes six districts within Registration Area J to independently manage individual Tanner crab stocks. One of these districts is the Kodiak District which is further subdivided into eight sections enabling management of localized Tanner crab stocks. The 1986 fishing season in this district began on January 15, 1986 (50 FR 47549, November 19, 1985). Reasons for this closure area follow:

As of January 26, 1986, 21 vessels have delivered 350,000 pounds of Tanner crab in the Southwest Section. The catch per unit of effort (CPUE) has averaged only 11 crabs per pot from the beginning of the fishery through January 25. This CPUE is only about half the overall CPUE during the 1985 fishery. The initial low level of CPUE, combined with the lack of any improvement in the CPUE as the season progressed, indicates an unanticipated low level of abundance of Tanner crab in this area.

Based on the unanticipated low CPUE at the beginning of the fishery, the Regional Director has determined that the condition of the Tanner crab stock in the Southwest Section of the Kodiak District is substantially different from the condition anticipated on November 1, 1985, the beginning of the fishing year, and that this difference reasonably supports the need to protect the Tanner crab stock. This section, as defined in § 671.26(f)(1)(i), is closed by this notice until noon, Alaska Daylight Time, April 30, 1986, at which time the closure of this district prescribed in Table 1 of 671.21(a) will begin.

This closure will become effective after this notice is filed for public inspection with the Office of the Federal Register and the closure is publicized for 48 hours through procedures of the Alaska Department of Fish and Game. Public comments on this notice of closure may be submitted to the Regional Director at the address stated above. If comments are received, the necessity of this closure will be reconsidered and a subsequent notice will be published in the **Federal Register**, either confirming this notice's continued effect, modifying it, or rescinding it.

Other Matters

Tanner crab stocks in the Southwest Section of the Kodiak District will be subject to damage by overfishing unless this closure takes effect promptly. NOAA, therefore, finds for good cause that advance opportunity for public comment on this closure is contrary to the public interest, and that no delay should occur in its effective date.

This action is taken under the authority of 50 CFR Part 671 and complies with Executive Order 12291.

List of Subjects in 50 CFR Part 671

Fisheries, Reporting and recordkeeping requirements.

Dated: February 3, 1986.

Authority: 16 U.S.C. 1801 *et seq.*

Joseph W. Angelovic,

Deputy Assistant Administrator For Science and Technology, National Marine Fisheries Service.

[FR Doc. 86–2661 Filed 2–3–86; 4:55 pm]

BILLING CODE 3510–22–M

Proposed Rules

Federal Register
Vol. 51, No. 25
Thursday, February 6, 1986

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 52

United States Standards for Grades of Frozen Quick-Cooking Beans or Frozen Quick-Cooking Peas

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: The purpose of this proposed rule is to establish voluntary U.S. Standards for Grades of Frozen Quick-Cooking Beans or Frozen Quick-Cooking Peas. The proposed rule was developed by the U.S. Department of Agriculture at the request of the California League of Food Processors. Its effect would be to promote orderly and efficient marketing.

DATE: Comments must be received on or before April 7, 1986.

ADDRESS: Interested persons are invited to submit written comments concerning this proposal. Comments must be sent in duplicate to the Docket Clerk, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2069, South Building, Washington, DC 20250. Comments should reference the date and page number of this issue of the **Federal Register** and will be made available for public inspection in the Office of the Docket Clerk during regular business hours.

FOR FURTHER INFORMATION CONTACT: Harold A. Machias, Processed Products Branch, Fruit and Vegetable Division, Agricultural Marketing Service, U.S. Department of Agriculture, Washington, DC 20250 (202) 447-6247.

SUPPLEMENTARY INFORMATION: This rule has been reviewed under USDA procedures and Executive Order 12291 and has been designated as a "nonmajor" rule. It will not result in an annual effect on the economy of $100 million or more. There will be no major increase in cost or prices for consumers; individual industries; Federal, State, or local government agencies; or geographic regions. It will not result in significant effects on competition, employment, investments, productivity, innovations, or the ability of United States-based enterprises to compete with foreign-based enterprises in domestic or export markets.

The Administrator, Agricultural Marketing Service, has certified that this action will not have a significant economic impact on a substantial number of small entities, as defined in the Regulatory Flexibility Act, Pub. L. 96-354 (5 U.S.C. 601), because it reflects current marketing practices.

Currently, there are no U.S. grade standards for frozen quick-cooking beans or frozen quick-cooking peas. In April 1985, the USDA received a petition from the California League of Food Processors (CLFP), an association representing processors of frozen quick-cooking beans and peas, requesting that U.S. grade standards be established for this product. CLFP recommended that it be developed using a system of attributes type quality grading that is similar to the U.S. grade standards for many other processed fruit and vegetable products. The product is prepared by hydrating dry, mature beans or peas, and is quick frozen and maintained at a temperature necessary for preservation. Frequently, the product is garnished with onions, garlic, peppers or other condiments or spices.

The establishment of these U.S. grade standards would expedite marketing of frozen quick-cooking beans and peas. The product is being marketed for use in soup mixes, as well as for retail sales as a ready-to-serve salad product (when thawed).

The product can be called "frozen quick-cooking beans" or "frozen quick-cooking peas" if it consists of one or more of the following single varietal types: white beans, pinto beans, pink beans, black-eye peas, speckled butter beans, baby lima beans, fordhook lima beans, light red kidney beans, dark red kidney beans, garbanzos, large lima beans, or beans and peas of other colors or types. The product can also be called "frozen mixed bean salad" when it consists of a mixture of two or more of these varietal types.

The grade standards would provide two (2) quality levels, U.S. Grade A and U.S. Grade B, since available data indicate two quality levels are needed in the marketing of this product. The proposed grade standards are similar to other voluntary grade standards used for beans and peas that are frozen or canned.

The factors of quality contained in this proposal for frozen quick-cooking beans or frozen quick-cooking peas are: similar varietal characteristics (except for mixed types), blemishes, character, color, extraneous vegetable material, and flavor and odor.

The standards would provide uniform guidelines for marketing this product for the benefit of processors and buyers.

List of Subjects in 7 CFR Part 52

Fruits, Food grades and standards, vegetables.

Accordingly, 7 CFR Part 52 is amended as follows:

PART 52—[AMENDED]

1. The authority citation for Part 52 continues to read as follows:

Authority: Agricultural Marketing Act of 1946, Secs. 203, 205, 60 Stat. 1087, 1090 as amended, 7 U.S.C. 1622, 1624.

2. Establish the Subpart—United States Standards for Grades of Frozen Quick-Cooking Beans or Frozen Quick-Cooking Peas (7 CFR 52.6421–52.6430) to read as follows:

Subpart—United States Standards for Grades of Frozen Quick-Cooking Beans or Frozen Quick-Cooking Peas

Sec.

§ 52.6421 Product description.

(a) *"Frozen quick-cooking beans or frozen quick-cooking peas,"* referred to as "beans" or "peas" in these standards, is the product prepared from hydrated, mature dry beans or peas, as *single varietal types* or *mixtures of varietal types*. The beans or peas may be prepared by any safe and suitable process designed to produce a quick-cooking, ready-to-serve product. It is quick frozen and maintained at temperatures necessary for

preservation. Any safe and suitable solid or liquid optional ingredient(s) may be used as a garnish.

(b) *"Frozen mixed bean salad"* is the precooked (or optionally uncooked) product prepared from hydrated, mature, dry beans or peas, as a *mixture of varietal types.* The beans or peas may be prepared by any safe and suitable process designed to produce a ready-to-serve product. It is quick frozen and maintained at temperatures necessary for preservation. Any safe and suitable solid or liquid optional ingredient(s) may be used as a garnish.

§ 52.6422 Types.

(a) Single variety:
(1) White beans.
(2) Pinto beans.
(3) Pink beans.
(4) Black-eye peas.
(5) Speckled butter beans (or Jackson Wonders).
(6) Baby lima beans.
(7) Fordhook lima beans.
(8) Light red kidney beans.
(9) Dark red kidney beans.
(10) Garbanzos.
(11) Large lima beans (butter beans or limagrands).
(12) Beans and peas of other colors or types.

(b) Mixed varieties consisting of two or more varietal types in any proportion.

§ 52.6423 Definitions of terms.

In these U.S. standards, unless otherwise required by the context, the following terms shall be construed, respectively, to mean:

(a) *Acceptable quality level (AQL)* means the maximum percent of defective units or the maximum number of defects per hundred units of product that, for the purpose of acceptance sampling, can be considered satisfactory as a process average.

(b) *Blemished.* Blemished does not include the characteristic mottling of specific varietal types, such as pinto beans, red beans, speckled butter beans, and southern peas. Blemished means a bean that is affected by discoloration (area and intensity) or other causes to the extent that its appearance or eating quality is adversely affected:
(1) Slightly;
(2) Materially; or
(3) Seriously.

(c) *Character* refers to the degree of freedom from hard beans, mushy beans, beans with tough skins, broken beans, mashed beans, crushed beans, ruptured beans, and to the overall texture and eating quality of the product [bean and optional ingredient(s)]. Character is determined after reconstituting the product.

(1) *Good character* means that the product has a good, typical overall texture and eating quality; and that the cotyledons and skins are tender.

(2) *Reasonably good character* means that the product has a reasonably good, typical overall texture and eating quality. The beans may be firm or slightly soft, but the presence of hard beans, mushy beans, broken beans, mashed beans, crushed beans, and ruptured beans does not seriously affect the eating quality. The skins may be slightly tough.

(3) *Poor character* means the product fails to meet the requirements for "reasonably good character."

(d) *Color* refers to the overall bright color of the product [beans and optional ingredient(s)], whether single varietal type or mixed varietal types.

(1) *Good color* means that the product has a bright overall color typical of the varietal type(s) of beans.

(2) *Reasonably good color* means that the product has an overall color typical of the varietal type(s) of beans; and may be dull but not "off-color."

(3) *Poor color* means the product fails to met the requirements for "reasonably good color."

(e) *Damaged* means:
(1) A loose skin or portion of a skin;
(2) A cotyledon or portion of a cotyledon; and
(3) A bean or portion of a bean with the skin or portion of the skin missing.

(f) *Defect* means any non conformance of a unit(s) of product from a specified requirement of a single quality characteristic.

(g) *Extraneous vegetable material* means vegetable material common to the bean or pea plant or other plants (excluding "garnish") that is harmless upon eating.

(h) *Flavor and odor.*

(1) *Good flavor and odor* means that the product has a good, typical flavor and odor, characteristic of the type(s) of beans. It is free from objectionable flavors and odors of any kind.

(2) *Reasonably good flavor and odor* means that the product may be lacking in good flavor and odor, but is characteristic of the type(s) of beans. It is free from objectionable flavors and odors of any kind.

(i) *Sample unit* means the amount of product specified to be used for inspection. It may be:
(1) The entire contents of a container;
(2) A portion of the contents of a container;
(3) A combination of the contents of two or more containers; or
(4) A portion of unpacked product.

(j) *Unit* means any individual frozen bean or pea; or, any reconstructed portions of beans or peas that are the equivalent of one bean or pea.

(k) *Varietal characteristics* (Similar varietal characteristics are not applicable to mixed types).

(1) *Contrasting varieties* means beans or peas of the same type or of other types that are of a noticeably different color, size, or shape than the beans or peas of the predominant variety (such as red beans with white beans).

(2) *Varieties that blend* means beans or peas of the same type or of other types that are similar in color, size, or shape to the beans or peas of the predominant variety.

§ 52.6424 Recommended sample unit sizes.

Requirements for all factors of quality are based on the following sample unit sizes:

(a) For all defects classified in Table I—200 beans.

(b) For similar varietal characteristics (single types only) and damaged beans—284 grams (10.0 oz) including beans and garnish;

(c) For flavor and odor, character, and color—850 grams (30.0 oz); and

(d) For extraneous vegetable material (EVM).

(1) On-line grading only—850 grams (30.0 oz).

(2) Lot grading only—entire sample.

§ 52.6425 Grades.

(a) *U.S. Grade A* is the quality of product that:

(1) Meets the following prerequisite factors in which the beans or peas:

(i) Have practically similar varietal characteristics (not applicable to "mixed" types). The weight of "contrasting varieties" does not exceed 1.5 grams per 284 grams (10.0 oz.); and the weight of "varieties that blend" does not exceed 14 grams per 284 grams (10.0 oz.);

(ii) Have good character;

(iii) Have good color;

(iv) Are practically free from EVM;

(A) On-line grading—within the limits for defects as specified in Table II.

(B) Lot grading—Not more than one (1) piece of EVM per 1700 grams (60.0 oz.)

(v) Have good flavor and odor;

(vi) Weight of "damaged" units does not exceed 25 grams per 284 grams (10.0 oz.); and

(2) Is within the limits for defects as classified in Table I and specified in Table III.

(b) *U.S. Grade B* is the quality of product that:

(1) Meets the following prerequisite factors in which the beans or peas:

(i) Have reasonably similar varietal characteristics (not applicable to "mixed" types). The weight of "contrasting varieties" does not exceed 3 grams per 284 grams (10.0 oz.); and the weight of "varieties that blend" does not exceed 28 grams per 284 grams (10.0 oz.);

(ii) Have reasonably good character;

(iii) Have reasonably good color;

(iv) Are reasonably free from EVM;

(A) On-line grading—within the limits for defects as specified in Table II.

(B) Lot grading—Not more than two (2) pieces of EVM per 850 grams (30.0 oz).

(v) Have reasonably good flavor and odor.

(vi) Weight of "damaged" units does not exceed 45 grams per 284 grams (10.0 oz.); and

(2) Is within the limits for defects as classified in Table I and specified in Table III.

(c) *Substandard* is the quality of product that fails to meet the requirements for U.S. Grade B.

§ 52.6426 Factors of quality.

The grade of a sample of frozen quick-cooking beans or peas or frozen mixed bean salad is based on requirements for the following quality factors:

(a) Prerequisite quality factors:

(1) Varietal characteristics (not applicable to mixed types);

(2) Flavor and odor;

(3) Character;

(4) Color;

(5) Freedom from extraneous vegetable material (EVM);

(6) Damaged.

(b) Classified quality factors:

(1) Blemished.

§ 52.6427 Classification of defects.

Defects are classified as "minor," "major," or "severe." "Total" defects includes all "minor," "major," and "severe" defects. Each "X" mark in Table 1 represents "one" defect.

TABLE I.—CLASSIFICATION OF DEFECTS

Quality factor	Defects	Classification		
		Minor	Major	Severe
Blemished:				
Slightly	Each bean [1]	X		
Materially	do		X	
Seriously	do			X

[1] Each bean or equivalent of one bean in broken pieces.

§ 52.6428 Tolerances for defects.

TABLE II.—EXTRANEOUS VEGETABLE MATERIAL (EVM) ON-LINE ONLY (25 Plan)

	Grade A	Grade B
AQL [1]	1.5	6.5

[1] AQL expressed as defects per hundred units.

TABLE III.—ALL CLASSIFIED DEFECTS

	Grade A			Grade B		
	Total [1]	Major	Severe	Total [1]	Major	Severe
AQL [2]	4.0	1.5	.65	6.5	4.0	1.5

[1] Total = Minor + Major + Severe.
[2] AQL expressed as defects per hundred units.

§ 52.6429 Sample size.

The sample size used to determine whether the requirements of these standards are met shall be as specified in the sampling plans and procedures in the "Regulations Governing Inspection and Certification of Processed Fruits and Vegetables, Processed Products Thereof, and Certain Other Processed Food Products" (7 CFR 52.1—52.83) for lot grading and on-line grading, as applicable.

§ 52.6430 Quality requirement criteria.

(a) *Lot grading.* A lot of frozen quick-cooking beans or peas, or frozen mixed bean salad is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.6425 are met; and

(2) The Acceptable Quality Levels (AQL) in Table III are not exceeded.

(b) *On-line grading.* A portion of production is considered as meeting the requirements for quality if:

(1) Prerequisite requirements specified in § 52.6425 are met; and

(2) The Acceptable Quality Levels (AQL) in Table III are not exceeded.

(c) *Single sample unit.* Each single sample unit submitted for quality evaluation will be treated individually and is considered as meeting the requirements for quality if:

(1) The prerequisite requirements specified in § 52.6425 are met; and

(2) The Acceptable Quality Levels (AQL) in Table III are not exceeded.

Done at Washington, DC, on January 31, 1986.

William T. Manley,

Deputy Administrator, Marketing Programs.

[FR Doc. 86-2657 Filed 2-5-86; 8:45 am]

BILLING CODE 3410-02-M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 86-CE-01-AD]

Airworthiness Directives; Cessna R172, FR172, 177, 177RG, F177RG, 185, 188, 205, 206, P206, U206, 207, 210 and P210 Series Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This Notice proposes to adopt a new Airworthiness Directive (AD), applicable to certain Cessna R172, FR172, 177, 177RG, F177RG, 185, 188, 205, 206, P206, U206, 207, 210 and P210 Series Airplanes, which would require initial inspection and modification of the airplane fuel system as well as installation of a placard and special fuel system preflight inspection instructions on some airplanes. Loss of engine power has resulted from failure to adequately drain fuel contamination from the fuel reservoirs and wing tanks. The actions prescribed in this proposal will preclude engine power loss caused by undrained fuel contamination.

DATES: Comments must be received on or before May 28, 1986.

ADDRESSES: Cessna Single Engine Customer Care Service Information Letters, SE 79–45 dated September 10, 1979, and SE 84–8 dated March 16, 1984, applicable to this AD, may be obtained from Cessna Aircraft Company, Piston Aircraft Marketing Division, Post Office Box 1521, Wichita, Kansas 67201, or the Rules Docket at the address below. Send comments on the proposal in duplicate to Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 86–CE–01–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106. Comments may be inspected at this location between 8 a.m. and 4 p.m., Monday through Friday, holidays excepted.

FOR FURTHER INFORMATION CONTACT: Mr. Paul O. Pendleton, Aerospace Engineer, Aircraft Certification Office, ACE–140W, FAA, 1801 Airport Road, Room 100, Mid–Continent Airport, Wichita, Kansas 67209; Telephone (316) 946–4427.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views or arguments as they may desire. Communications should identify the regulatory docket or notice number and be submitted in duplicate to the address specified above. All communications received on or before the closing date for comments specified above will be considered by the Director before taking action on the proposed rule. The proposals contained in this notice may be changed in view of the comments received. Comments are specifically invited on the overall

regulatory, economic, environmental and energy aspects of the proposed rule. All comments submitted will be available both before and after the closing date for comments in the Rules Docket for examination by interested persons. A report summarizing each FAA public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Availability of NPRMs

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 86–CE–01–AD, Room 1558, 601 East 12th Street, Kansas City, Missouri 64106.

Discussion: Reports have been received of engine power losses resulting from fuel contamination on Cessna 100 and 200 Series airplanes equipped with separate fuel reservoirs. These incidents and other service reports indicate that fuel contamination is not being detected by the pilot during normal inspection and/or maintenance of the airplane fuel system installation. Lack of fuel reservoir quick drains and existing fuel system preflight instructions concerning proper draining of fuel reservoirs have contributed to the reported engine power losses. Cessna has issued Single Engine Customer Care Service Information Letters SE79–45 and SE84–8, making available for in-service airplanes the fuel reservoir and wing tank quick drain provisions that have been installed on production airplanes since 1975. In addition, AD 84–10–01 required fuel reservoir and wing tank quick drains, plus installation of a placard on some Cessna airplanes equipped with bladder wing fuel tanks. The placard required by AD 84–10–01 has been determined to be very effective in eliminating fuel contamination on those airplanes affected by this AD. Therefore, the FAA is proposing to (1) extend the applicability of the placard to all those airplanes equipped with integral wing fuel tanks and fuel reservoirs, and (2) require fuel reservoir quick drains be installed on all affected airplanes.

Since the condition described herein is likely to exist or develop on other airplanes of the same type design, the proposed AD would require visual inspection of the fuel reservoirs and wing tanks on certain Cessna FR172, R172, 177, 177RG, F177RG, and 210 series airplanes for the quick drain fitting and installation of the quick drains on airplanes not presently so equipped as well as require installation of the placard on certain Cessna FR172, R172, 177, 177RG, F177RG, 185, 188, 205, 206, P206, U206, 207, 210 and P210 series airplanes.

There are approximately 20,000 airplanes affected by the proposed AD at an initial inspection cost of $15 per airplane. Eventually 4,000 airplanes are expected to be modified by the installation of fuel tank and reservoir quick drains, at an approximate cost of $200 per airplane. The initial inspection, proposed quick drain and placard installation is considered to constitute unscheduled expense for the airplanes affected by the proposed AD. The remaining airplanes have been manufactured with fuel reservoir and wing tank quick drains by Cessna prior to delivery or were equipped when they complied with AD 8–10–01. Accordingly, the estimated total cost to the private sector for compliance with the proposed AD is $1,100,000. This cost of compliance with the proposal is so small that the expense of compliance will not have a significant financial impact on any small entities operating these airplanes. Therefore, I certify that (1) this action is not a major rule under the provisions of Executive Order 12291, (2) is not a significant rule under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979) and (3) if promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A draft regulatory evaluation has been prepared and has been placed in the public docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption "ADDRESSES".

List of Subjects in 14 CFR Part 39

Air transportation, Aviation safety, Aircraft, Safety.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the FAR as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a), 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97–449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new AD:

Cessna: Applies to Models R172 thru R172K, FR172E, thru FR172K, 177 thru 177B and 177RG, F177RG, 185 thru 185E, A185E, A185F, A188, A188A, A188B, T188C, 205 and 205A, 206, U206, U206A thru U206G, TU206A thru TU206G, P206, P206A thru P206E, TP206A thru TP206E, 207 and 207A, T207 and T207A, 210B thru 210R, T210F thru T210R, P210N and P210R (all serial numbers) airplanes equipped with fuel reservoir(s) certified in any category.

Compliance: Within 100 hours time-in-service after the effective date of this AD, unless already accomplished.

To eliminate the possibility of engine power reduction due to contaminated fuel, accomplish the following:

(a) On Cessna Models R172, R172E thru R172H, (S/Ns R172–0001 thru R1720625) FR172E thru FR172J (S/Ns FR17200001 thru FR17200530) 177 thru 177A (S/Ns 17700001 thru 17702123) Model 177RG (S/Ns 177RG0001 thru 177RG0592) F177RG (S/Ns F177RG0001 thru F177RG0122) 210G and T210G thru 210L and T210L (S/Ns 21058819 thru 21060539 and T210–0198 thru T2100454), install quick drains in the fuel reservoirs and wing fuel tanks if not presently equipped in accordance with Cessna Single Engine Customer Care Service Information Letters SE79–45 dated September 10, 1979, and SE84–8 dated March 16, 1984, or using equivalent aircraft standard hardware.

(b) On all Cessna Model airplanes R172, R172E, R172F, R172G, R172H, R172J, R172K, (S/Ns R172–0001 thru R172–0409 and R1720410 and on) FR172E, FR172F, FR172G, FR172H, FR172J, FR172EK, (S/Ns FR17200001 thru FR17200675) 177, 177A, 177B (S/Ns 17700001 and on), 177RG (S/Ns 177RG0001 and on) F177RG (S/Ns F177RG0001 thru F177RG0177) 185, 185A, 185B, 185C, 185D, 185E, A185E, A185F (S/Ns 632, 185–0001 thru 185–1599, 18501600 and on) A188 (S/Ns 653, 188–0001 thru 188–0572) A188A (S/Ns 18800573 thru 18800832) A188B (S/Ns 678T, 18800833 and on) T188C (S/Ns T18803307T, T18803308T, T18803325T and on) 205, 205A, (S/Ns 205–0001 and on) 206, U206, U206A, U206B, U206C, U206D, U206E, U206F, U206G, TU206A, TU206B, TU206C, TU206E, TU206F, TU206G (S/Ns 206–0001 thru 206–0275, U206–0276 and on) P206, P206A, P206B, P206C, P206D, P206E, TP206A, TP206B, TP206C, TP206D, TP206E, (S/Ns P206–0001 thru P20600647) 207, 207A, T207, T207A (S/Ns 20700001 and on) 210B, 210C, 210D, 210E, 210F, 210G, 210H, 210J, 210K, 210L, 210M, 210N, 210R, T210F, T210G, T210H, T210J, T210K, T210L, T210M, T210N, T210R (S/Ns 21057841 and on) P210N and P210R (S/Ns P21000001 and on) fabricate and install a placard in full view of the pilot which reads as follows: "Prior to next flight following aircraft exposure to rain, sleet, snow, or after fueling from an unfiltered fuel source:

(1) Drain and catch the contents of the fuel gascolator, wing, and (if equipped) reservoir tank sumps and check for water contamination.

(2) Place the airplane on a level surface and lower the tail to within 5 inches of the ground (on nose gear airplanes).

(3) Rock the wings 10 inches up and 10 inches down at least 12 times.

(4) Drain and catch the contents of the fuel gascolator, wing, and (if equipped) reservoir tank sumps and check for water contamination.

(5) If water is found in step 4, above, repeat steps 3 and 4, until no additional water is detected or drain the entire airplane fuel system."

Note.—The fuel reservoir(s) are located on the firewall or under the fuselage between the firewall and rear door post on all airplane models. Consult the Pilots Operating Handbook or Owners Manual in order to determine if one or two reservoir(s) are installed.

(c) An equivalent means of compliance with this AD may be used if approved by the Manager, Aircraft Certification Office, FAA, 1801 Airport Road, Room 100, Mid-Continent Airport, Wichita, Kansas 67209.

All persons affected by this directive may obtain copies of the document(s) referred to herein upon request to Cessna Aircraft Company, Piston Aircraft Marketing Division, Post Office Box 1521, Wichita, Kansas, or FAA, Office of the Regional Counsel, Room 1558, 601 East 12th Street Kansas City, Missouri 64106.

Issued in Kansas City, Missouri, on January 28, 1986.

Edwin S. Harris,

Director, Central Region.

[FR Doc. 86-2611 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 39

[Docket No. 85-NM-166-AD]

Airworthiness Directives: McDonnell Douglas Model DC-9, MD-80, and C-9 (Military) Series Airplanes, Fuselage Numbers 1 Through 1168

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of Proposed Rulemaking (NPRM).

SUMMARY: This notice proposes a new airworthiness directive (AD) that would require a safety sealant on the nut and sleeve in the tank fuel line gamah couplings on certain McDonnell Douglas DC-9, MD-80, and C-9 series airplanes. This proposal is prompted by several incidents of uncontrolled fuel transfer and imbalance after coupling separation. This action is necessary to minimize the potential of an uncontrollable fuel transfer, which could cause loss of control of the airplane.

DATES: Comments must be received no later than March 31, 1986.

ADDRESS: Send comments on the proposal in duplicate to Federal Aviation Administration, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-166-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168. The applicable service information may be obtained from McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This information may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or 4344 Donald Douglas Drive, Long Beach, California.

FOR FURTHER INFORMATION CONTACT: Mr. Ken Izumikawa, Aerospace Engineer, Propulsion Branch, ANM-140L, FAA, Northwest Mountain Region, Los Angeles Aircraft Certification Office, 4344 Donald Douglas Drive, Long Beach, California 90808; telephone (213) 548-2835.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communication should identify the regulatory docket number and be submitted in duplicate to the address specified above. All communication received on or before the closing date for comments specified above will be considered by the Administrator before taking action on the proposed rule. The proposals contained in this Notice may be changed in light of the comments received. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA/public contact concerned with the substance of this proposal will be filed in the Rule Docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting request to the FAA, Northwest Mountain Region, Office of the Regional Counsel, Attention: Airworthiness Rules Docket No. 85-NM-166-AD, 17900 Pacific Highway South, C-68966, Seattle, Washington 98168.

Discussion

There have been several reported incidents of uncontrollable fuel transfer and airplane lateral imbalance caused by in-tank fuel line gamah coupling separation. In one of the incidents, the pilot was required to take immediate corrective action and to make an emergency landing with some control difficulty after a coupling separated on the fuel crossfeed manifold.

Proper installation of the gamah coupling nut and sleeve on some locations within the tank is difficult to accomplish due to insufficient accessibility. A leak check of the coupling installation is specified in the maintenance manual to assure proper adjustment and installation of the coupling; however, the leak check may not detect a loosely installed nut and sleeve.

McDonnell Douglas issued Service Bulletin 28-24, dated December 14, 1973, which contains instructions for installation of a safety collar over the nut and sleeve of the coupling assembly to enhance the installation of the gamah couplings within the tank. Installation of the safety collar reduced the number of incidents of coupling separation; however, separations continued to occur with reports of the locking collar detached from the assembly. McDonnell Douglas Corporation issued another Service Bulletin 28-41, dated March 21, 1984, with instructions to provide a positive lock in lieu of the safety collar. McDonnell Douglas Service Bulletin 28-41 recommends applying a 90 degree bead of sealant across the gamah nut and sleeve to prevent loosening of the nut.

McDonnell Douglass Corporation revised the DC-9 Airplane Flight Manuals on December 19, 1984, by addition of a new procedure to minimize fuel transfer and lateral imbalance caused by gamah coupling separations or other fuel line leaks.

Since uncontrollable fuel transfer due to gamah coupling separation is likely to exist or develop on other airplanes of the same type design, an airworthiness directive is being proposed which would require the application of a bead of sealant 90 degrees across the gamah nut and sleeve in accordance with McDonnell Douglas Service Bulletin 28-41.

It is estimated that 680 airplanes of U.S. registry would be affected by the proposed AD, that it would take approximately 15 manhours per airplane to accomplish the required action, and that the average labor cost would be $40 per manhour. Based on these figures, the total cost impact of the AD is estimated to be $408,000.

For these reasons, the FAA has determined that this document (1) involves a proposed regulation which is not major under Executive Order 12291 and (2) is not a significant rule pursuant to the Department of Transportation Regulatory Policies and Procedures (44 FR 11034; February 26, 1979; and it is further certified under the criteria of the Regulatory Flexibility Act that this proposed rule, if promulgated, will not have a significant economic impact on a

substantial number of small entities because few, if any, Model DC-9 and C-9 (Military) series airplanes are operated by small entities. A copy of a draft regulatory evaluation prepared for this section is contained in the regulatory docket.

List of Subjects in 14 CFR Part 39

Aviation safety, Aircraft.

The Proposed Amendment

PART 39—[AMENDED]

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend § 39.13 of Part 39 of the Federal Aviation Regulations as follows:

1. The authority citation for Part 39 continues to read as follows:

Authority: 49 U.S.C. 1354(a); 1421 and 1423; 49 U.S.C. 106(g) (Revised, Pub. L. 97-449, January 12, 1983); and 14 CFR 11.89.

2. By adding the following new airworthiness directive:

McDonnell Douglas: Applies to Model DC-9, MD-80, and C-9 (Military) series airplanes, fuselage numbers 1 through 1168, certificated in any category. Compliance required as indicated, unless previously accomplished.

A. To prevent separation of in-tank fuel line gamah couplings, which can cause uncontrollable fuel transfer and airplane lateral imbalance, accomplish the following:

1. Within 8,000 flight hours or 30 months time-in-service whichever occurs earlier, or anytime a gamah coupling is disassembled and reassembled after the effective date of this AD, apply a bead of sealant 90 degrees across the gamah nut and sleeve in accordance with McDonnell Douglas Service Bulletin 28-41, dated March 21, 1984, or later FAA-approved revisions.

B. Special flight permits may be issued in accordance with FAR 21.197 and 21.199 to operate airplanes to a base in order to comply with the requirements of this AD.

C. Alternate means of compliance which provide an acceptable level of safety may be used when approved by the Manager, Los Angeles Aircraft Certification Office, FAA, Northwest Mountain Region.

All persons affected by this proposal who have not already received the appropriate service document from the manufacturer may obtain copies upon request to the McDonnell Douglas Corporation, 3855 Lakewood Boulevard, Long Beach, California 90846, Attention: Director, Publications and Training, C1-750 (54-60). This document also may be examined at the FAA, Northwest Mountain Region, 17900 Pacific Highway South, Seattle, Washington, or at 4344 Donald Douglas Drive, Long Beach, California.

Issued in Seattle, Washington, on January 30, 1986.

Wayne J. Barlow,

Acting Director, Northwest Mountain Region.

[FR Doc. 86-2609 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-ASW-2]

Proposed Alteration of Transition Area; Ada, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to alter the transition area at Ada, OK. The intended effect of this proposed action is to provide additional controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Ada Municipal Airport. This action is necessary since the city of Ada, OK, proposes to relocate the existing Ada Nondirectional Radio Beacon (NDB) north of the airport and establish a new terminal VOR (TVOR) on the airport. Coincident with the relocation of the Ada NDB (AMR) the existing NDB-A SIAP will be canceled.

DATES: Comments must be received on or before March 24, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 86-ASW-2, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Forth Worth, TX.

The informal docket may also be examined during normal business hours at the Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: David J. Souder, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877-2622.

SUPPLEMENTARY INFORMATION:

Comment Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-ASW-2." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, P.O. Box 1689, Fort Worth, TX 76101. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to alter the transition area at Ada Municipal Airport. This will provide adequate controlled airspace for the protection of aircraft arriving and departing the Ada Municipal Airport. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are

necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation Safety, Control Zones and/or transition areas.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.65.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Ada, OK Revised

That airspace extending upward from 700 feet above the surface within a 9-mile radius of the Ada Municipal Airport (latitude 34°28'20" N., longitude 96°40'15" W.).

Issued in Fort Worth, TX, on January 23, 1986.

F.E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 86-2613 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-13-M

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14 CFR Part 71

[Airspace Docket No. 86-ASW-3]

Proposed Designation of Transition Area; Carnegie, OK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: This notice proposes to designate a transition area at Carnegie, OK. The intended effect of the proposed action is to provide controlled airspace for aircraft executing a new standard instrument approach procedure (SIAP) to the Carnegie Municipal Airport. This action is necessary since a nonfederal nondirectional radio beacon (NDB) is being installed to provide navigational guidance to the Carnegie Municipal Airport. Coincident with this proposed action, the airport will be changed from visual flight rules (VFR) to instrument flight rules (IFR).

DATES: Comments must be received on or before March 24, 1986.

ADDRESSES: Send comments on the proposal in triplicate to: Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, Docket No. 86-ASW-3, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101.

The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

The informal docket may also be examined during normal business hours at the Airspace and Procedures Branch, Air Traffic Division, Suthwest Region, Federal Aviation Administration, 4400 Blue Mound Road, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: David J. Souder, Airspace and Procedures Branch, ASW-535, Air Traffic Division, Southwest Region, Federal Aviation Administration, P.O. Box 1689, Fort Worth, TX 76101; telephone: (817) 877-2622.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rule-making by submitting such written data, views, or arguments as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, exonomic, environmental, and energy aspects of the proposal. Communications should identify the airspace docket and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: "Comments to Airspace Docket No. 86-ASW-3." The postcard will be date/time stamped and returned to the commenter. All communications received before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in the light of comments received. All comments submitted will be available for examination in the Office of the Regional Counsel, 4400 Blue Mound Road, Fort Worth, TX, both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of NPRM

Any person may obtain a copy of this Notice of Proposed Rulemaking (NPRM) by submitting a request to the Federal Aviation Administration, Manager, Airspace and Procedures Branch, Air Traffic Division, Southwest Region, P.O. Box 1689, Fort Worth, TX 76101. Communications must identify the notice number of this NPRM. Persons interested in being placed on a mailing list for future NPRM's should also request a copy of Advisory Circular No. 11-2 which describes the application procedure.

The Proposal

The FAA is considering an amendment to § 71.181 of Part 71 of the Federal Aviation Regulations (14 CFR Part 71) to designate a transition area at Carnegie Municipal Airport. This will provide controlled airspace for the protection of aircraft arriving and departing Carnegie Municipal Airport. Section 71.181 of Part 71 of the Federal Aviation Regulations was republished in Handbook 7400.6A dated January 2, 1985.

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a "major rule" under Executive Order 12291; (2) is not a "significant rule" under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 71

Aviation safety, Control zones, Transition areas, ETC.

The Proposed Amendment

PART 71—[AMENDED]

Accordingly, pursuant to the authority delegated to me, the FAA proposes to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) as follows:

1. The authority citation for Part 71 continues to read as follows:

Authority: 49 U.S.C. 1348(a), 1354(a), 1510; Executive Order 10854; 49 U.S.C. 106(g) (Revised Pub. L. 97-449, January 12, 1983); 14 CFR 11.65.

§ 71.181 [Amended]

2. Section 71.181 is amended as follows:

Carnegie, OK New

That airspace extending upward from 700 feet above the surface within a 5-mile radius of the Carnegie Municipal Airport (latitude 35°07'14" N., longitude 98 °34'49" W.) and within 3 miles each side of the 351-degree bearing from the airport extending from the 5-mile radius area to 8.5 miles north of the airport.

Issued in Fort Worth, TX, on January 23, 1986.

F.E. Whitfield,

Acting Director, Southwest Region.

[FR Doc. 86-2612 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-13-M

SECURITIES AND EXCHANGE COMMISSION

17 CFR Part 240

[Release No. 34-22849, File No. S7-4-86]

Exemption of Japanese Government Securities Under the Securities Exchange Act of 1934 for Purposes of Futures Trading

AGENCY: Securities and Exchange Commission.

ACTION: Proposed rule amendments and solicitation of public comments.

SUMMARY: The Commission is proposing for comment an amendment to Rule 3a12-8 ("Rule") under the Securities Exchange Act of 1934 ("Exchange Act") which would designate Japanese government securities as "exempted securities" only for purposes of the Exchange Act's application to the marketing in the United States of futures contracts on these securities. The Rule currently grants such an exemption to British and Canadian government securities underlying foreign futures contracts that meet certain conditions in the Rule. If adopted, the amendments would extend the exemption to Japanese government securities thereby effectively removing these securities from those on which futures trading is prohibited by the Commodity Exchange Act. Trading the underlying securities, absent compliance with applicable registration and other requirements, would remain prohibited to the same extent as under current law.

DATE: Comments should be submitted by March 10, 1986.

FOR FURTHER INFORMATION CONTACT: Sharon D. Lawson, Esq. (202) 272-3116, Division of Market Regulation, 450 Fifth Street NW., Washington, D.C. 20549.

SUPPLEMENTARY INFORMATION:

I. Introduction

The Securities and Exchange Commission ("SEC") is today proposing for comment amendments to Rule 3a12-8 ("Rule") under the Securities Exchange Act of 1934 ("Exchange Act"). Currently, Rule 3a12-8 designates British and Canadian government debt obligations that meet certain conditions as exempted securities under the Exchange Act only for purposes of marketing, in the United States, futures on those securities. Under the Commodity Exchange Act ("CEA") futures trading on individual securities is prohibited unless the underlying security is an exempted security under the Securities Act of 1933 ("Securities Act") or Exchange Act. Hence, the designation of these securities as "exempted securities" effectively removes the CEA's prohibition against marketing futures on these securities in the United States (so long as the terms of the Rule are satisfied).

The proposed amendment would extend the class of securities permitted an exemption under the Rule to Japanese government debt obligations for purposes of permitting the sale of futures contracts on these securities in this country. In addition, to qualify for the exemption, foreign futures contracts on Japanese securities would have to meet all the other existing requirements of the Rule.

II. Background

The CEA, as amended by the Futures Trading Act of 1982, [1] prohibits the trading of futures contracts on individual securities unless such securities qualify as exempted securities under Section 3 of the Securities Act of Section 3(a)(12) of the Exchange Act.[2] Because foreign government securities such as Japanese government bonds are not exempted securities under either of these sections, the CEA prohibition against trading futures on individual securities prevents marketing futures on these foreign government securities in this country.

Section 3(a)(12) of the Exchange Act, however, provides that the term "exempted security" includes

> such other securities. . . as the Commission may, by such rules and regulations as it deems consistent with the public interest and the protection of investors, either unconditionally or upon specified terms and conditions or for stated periods, exempt from the operation of any one or more provisions of this title which by their terms do not apply to an "exempted security" or to "exempted securities".

In March 1984, pursuant to this authority, the Commission promulgated Rule 3a12-8.[3] The Rule designates British and Canadian government securities that meet certain conditions as "exempted securities" under the Exchange Act. The purpose of the Rule is to permit certain foreign, exchange-traded futures contracts on these securities to be marketed in the United States.[4] Under the Rule, British and Canadian government debt securities are considered exempted securities under the Exchange Act only with respect to futures trading on those securities and provided that: (1) the securities are not registered in the United States, (2) the futures transactions do not involve contracts deliverable in the United States and (3) the futures contracts are traded on a market located in the country whose government issues those securities.

III. Discussion

Rule 3a12-8 was promulgated in response to Congress' understanding, in approving the amendments to the CEA, that neither the SEC nor the Commodity Futures Trading Commission ("CFTC") had intended to bar British gilt futures trading and that adminstrative action would be taken to allow the sale of these futures contracts in this country.[5]

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[1] Pub. L. 97-444, Stat. 2294, 7 U.S.C. 1 *et seq.*

[2] Section 2(a)(1)(B)(v) of the CEA provides that "[n]o person shall offer to enter into, enter into, or confirm the execution of any contract of sale (or option on such contract) for future delivery of any security, or interest therein or based on the value thereof, except an exempted security under section 3 of the Securities Act . . . or section 3(a)(12) of the . . . Exchange Act . . ."

[3] *See* Securities Exchange Act Release Nos. 20708 ("Adopting Release"), March 2, 1984, 49 FR 8595 and 19811 ("Proposal Release"), May 25, 1983, 48 FR 24725

[4] As discussed above, without this designation the trading of futures on these securities in the United States would be prohibited by section 2(a)(1)(B)(v) of the CEA.

[5] In extending the exemption to futures on Canadian government bonds and bills the Commission noted that there did not appear to be any legal or policy reason for treating them differently from British gilt futures contracts.

In promulgating the Rule the Commission implemented Congress' intent without abandoning its longstanding policy of subjecting foreign government securities, for most purposes, to the requirements of the federal securities laws.[6] Accordingly, the conditions set forth in the Rule are designed to ensure that a domestic market in unregistered bonds does not develop and that futures markets in these instruments are not used simply to avoid the registration and other provisions of the federal securities laws.

At the time the Commission originally proposed Rule 3a12–8, it recognized that should the securities of additional governments become subjects of futures contracts, it may become necessary to amend the Rule to include those governments.[7] In this regard, the Tokyo Stock Exchange recently began trading futures on long-term Japanese government bonds, denominated in yen (so-called yen-bond futures). In addition, the Commission staff has indications that United States citizens, particularly institutional investors which currently invest in Japanese government securities, are interested in trading these new yen bond futures.[8] As a result, the Commission is today proposing to amend subsection (a)(1) of Rule 3a12–8 by adding to the list of designated foreign government securities under the Rule unregistered debt obligations of the government of Japan. This would permit futures on the yen bond that currently trade on the Tokyo Stock Exchange to be marketed in this country to United States citizens.[9]

In proposing to extend the exemption currently granted to British and Canadian government securities to Japanese government securities for purposes of futures trading, the Commission initially believes that there are no major differences between Japanese government securities and those of the United Kingdom and Canada that would justify a different regulatory response. As noted above, Japanese government securities and the futures contracts on those securities will have to meet the existing conditions set forth in the Rule. This should ensure that the federal securities laws will not be subverted by the marketing of futures on such government securities in this country and that United States investors are adequately protected by the federal securities laws. In this regard, the Commission preliminarily believes that United States investors have sufficiently ready access to information, available in English, about the Japanese trading markets and the securities which will underlie the foreign futures.[10]

The Commission encourages comments on the type of information available, in English, to United States investors concerning the Japanese government and its markets and whether it will provide United States investors with sufficient information to trade futures on yen bonds. In addition, commentators may wish to discuss whether there are any legal or policy reasons for determining that Japanese government securities should not be accorded the same treatent in the United States as British and Canadian government securities under Rule 3a12–8.[11]

III. Regulatory Flexibility Act Certification

Pursuant to section 605(b) of the Regulatory Flexibility Act, 5 U.S.C. 605(b), the Chairman of the Commission has certified that the amendment proposed herein will not, if adopted, have a significant economic impact on a substantial number of small entities. This certification, including the reasons therefor, is attached to this release.

IV. Statutory Basis

The amendment to Rule 3a12–8 is being proposed pursuant to 15 U.S.C. 78a *et seq.*, particularly Sections 3(a)(12), 15 U.S.C. 78c(a)(12) and 23(a), 15 U.S.C. 78w(a).

List of Subjects in 17 CFR Part 240

Reporting and recordkeeping requirements, Securities.

V. Text of the Proposed Amendment

On the basis of the above discussion, the Commission is proposing to amend Part 240 of Chapter II, Title 17 of the Code of Federal Regulations as follows:

PART 240—GENERAL RULES AND REGULATIONS, SECURITIES EXCHANGE ACT OF 1934

The authority citation for 17 CFR Part 240 is amended by adding the following citation:

Authority: Sec. 23, 48 Stat. 901, as amended; 15 U.S.C. 78w. * * * § 240.3a12–8 also issued under 15 U.S.C. 78a *et seq.*, particularly secs. 3(a)(12), 15 U.S.C. 78c(a)(12) and 23(a), 15 U.S.C. 78w(a).* * *

Section 240.3a12–8 is amended by removing the word "or" from (a)(1)(i), adding a semi-colon and the word "or" to (a)(1)(ii), and adding paragraph (a)(1)(iii) as follows:

§ 240.3a12–8 Exemption for designated foreign government securities for purposes of futures trading.

(a) * * *

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[6] Indeed, as stated in the Proposal Release, the Commission continues to believe that "Given the turbulence characterizing the current international financial markets, particularly the debt structure of many foreign governments, any lessening of the disclosure and other protections afforded by the federal securities laws with respect to such instruments would appear to be inappropriate." Proposal Release, *supra* note 3, 48 FR at 24726.

[7] *See* Proposal Release, *supra* note 3, 48 FR at 24726–27.

[8] *See* letter from John T. Shinkle, General Counsel, Salomon Brothers Inc., to Richard T. Chase, Associate Director, Division of Market Regulation, SEC, dated October 23, 1985.

[9] The underlying yen bonds and futures contracts would, of course, have to meet the other conditions of the Rule in order for the underlying yen bonds to qualify as exempted securities under the Exchange Act. Accordingly, the yen bonds could not be registered in the U.S. and the futures would have to require delivery outside the U.S. and be traded on a board of trade located within the nation whose government issues the designated foreign government securities. It appears that the yen bond futures contracts currently being traded on the Toyko Stock Exchange would meet these requirements.

[10] In adopting Rule 3a12–8 the Commission decided not to require, as a condition to the exemption, that such information be available because the structure of the Rule provides the Commission with an opportunity to evaluate in each particular case whether sufficient information is available, in English, regarding the securities which would underlie the foreign futures contract. *See* Adopting Release, *supra* note 3, 49 FR at 8597–98. The Commission notes that preliminary discussions with securities analysts have indicated that there is information available to United States citizens, in English, on the underlying Japanese government bond market. There is also some information available on yen-bond futures contracts traded on the Tokyo Stock Exchange, although to a lesser extent as compared to the information available concerning the underlying Japanese bond market.

[11] The Commission staff recently has been informed that the Chicago Board of Trade ("CBT") may be interested in developing a futures contract on the Japanese yen bond. We note that currently the Rule 3a12–8 exemption only applies to futures traded on a board of trade located within the nation whose government issues the designated foreign government securities. In the Adopting Release, the Commission noted that no determination regarding the expansion of the exemption to futures traded on domestic United States boards of trade was being made at the time. The Commission also noted that such action raised discrete concerns regarding the expansion of cash trading if substantial markets in the overlying futures developed in the United States. The Commission did indicate, however, that it might revisit this issue at a later time if there were proposals to trade such futures on domestic boards of trade.

To facilitate prompt action on the proposed amendment, the Commission believes it is useful to limit its scope to foreign futures contracts on foreign government securities. Accordingly, because the Tokyo Stock Exchange is currently trading futures on such securities, the trading of such futures apparently is of interest to, and would serve useful economic purposes for, United States investors, and the proposed amendment to the Rule does not appear to raise any new issues or problems, we are only addressing the extension of the exemption to foreign futures contracts on Japanese government securities.

(1) * * *

(iii) Japan.

* * * * *

Dated: January 30, 1986.

By the Commission.

John Wheeler,

Secretary.

Regulatory Flexibility Act Certification

I, John S.R. Shad, Chairman of the Securities and Exchange Commission, hereby certify pursuant to 5 U.S.C. 605(b) that the proposed amendment to Rule 3a12–8 set forth in Securities Exchange Act Release No. 34–22849, which would define Japanese government securities as exempted securities under the Securities Exchange Act of 1934 under certain circumstances for purposes of futures trading, will not have a significant economic impact on a substantial number of small entities for the following reasons. First, the rule imposes no regulatory burden in itself and merely forestalls a prohibition under the Futures Trading Act of 1982 which currently prevents marketing foreign futures contracts on Japanese government securities in the United States. Accordingly, the proposal imposes no new requirements for any entity. Second, because the level of interest presently evident in this country in the futures trading covered by the proposed rule amendment is modest and those primarily interested are large institutional investors, neither the availability or unavailability of these futures products is likely to have a significant economic impact on a substantial number of small entities as that term is defined for broker-dealers in 17 CFR 240.0–10 and to the extent that it is defined for futures market participants at 47 FR 18618.

John S.R. Shad,

Chairman.

January 30, 1986.

[FR Doc. 86–2541 Filed 2–5–86; 8:45 am]

BILLING CODE 8010–01–M

DEPARTMENT OF JUSTICE

28 CFR Part 16

[Order No. 1124–86]

FBI Identification Records; Production Fees

AGENCY: Federal Bureau of Investification, Department of Justice.

ACTION: Proposed rule.

SUMMARY: This proposed rule permits the FBI Identification Division to increase the fee for the production of identification records to the subjects of such records set forth in § 16.33 of Title 28 of the Code of Federal Regulations (CFR). It will also revise certain sections to reflect the FBI's new nine-digit ZIP Code.

DATE: Comments must be received on or before March 10, 1986.

ADDRESS: Identification Division, FBI, Washington, D.C. 20537–9700.

FOR FURTHER INFORMATION CONTACT: Melvin D. Mercer, Jr., Chief of the Recording and Posting Sections, telephone number (202) 324–5454.

SUPPLEMENTARY INFORMATION: Departmental Order 556–73 directed that the FBI publish rules for the dissemination of arrest and conviction records upon request. This order resulted from a determination that section 534 of Title 28 of the United States Code (U.S.C.) does not prohibit the subjects of arrest and conviction records from having access to those records. In accordance with the Attorney General's order, the FBI will release to the subjects of identification records copies of such records upon submission of a written request, a set of rolled-inked fingerprint impressions and the appropriate processing fee. Based on current cost analysis, the cost for production of an FBI identification record has increased from $11.00 to $14.00.

This proposed rule also revises the five-digit ZIP Code appearing in 28 CFR 16.32 and 16.34 to reflect the FBI Identification Division's new nine-digit ZIP Code, 20537–9700.

List of Subjects in 28 CFR Part 16

Archives and records, Freedom of Information, Privacy, Sunshine Act.

By virtue of the authority vested in me as Attorney General, including 28 U.S.C. 509, 510 and 5 U.S.C. 301, Part 16, Subpart C, of Title 28 of the CFR is proposed to be amended as follows:

PART 16—[AMENDED]

1. The authority citation for Part 16 is revised to read as follows:

Authority: 5 U.S.C. 301, 552, 552a, 552b(g), 553; 18 U.S.C. 4203(a)(1); 28 U.S.C. 509, 510; 28 U.S.C. 534; 31 U.S.C. 9701. 2. All other authority citations are removed from this Part.

3. Section 16.32 is proposed to be revised to read as follows:

§ 16.32 Procedure to obtain an identification record.

The subject of an identification record may obtain a copy thereof by submitting a written request via the U.S. mails directly to the FBI, Identification Division, Washington, D.C. 20537–9700, or may present his/her written request in person during regular business hours to the FBI Identification Division, Room 11262, J. Edgar Hoover F.B.I. Building, Tenth Street and Pennsylvania Avenue, NW., Washington, D.C. Such request must be accompanied by satisfactory proof of identity, which shall consist of name, date and placed of birth and a set of rolled-inked fingerprint impressions placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies.

3. Section 16.33 is proposed to be revised to read as follows:

§ 16.33 Fee for production of identification record.

Each written request for production of an identification record must be accompanied by a fee of $14.00 in the form of a certified check or money order, payable to the Treasury of the United States. This fee is established pursuant to the provisions of 31 U.S.C. 9701 and is based upon the clerical time beyond the first quarter hour to be spent in searching for, identifying, and reproducing each identification record requested as specified in § 16.10 of this part. Any request for waiver of the fee shall accompany the original request for the identification record and shall include a claim and proof of indigency.

4. Section 16.34 is proposed to be revised to read as follows:

§ 16.34 Procedure to obtain change, correction or updating of identification records.

If, after reviewing his identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his challenge as to the accuracy or completeness of any entry on his record to the Assistant Director of the FBI Identification Division, Washington, D.C. 20537–9700. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI Identification Division will make any changes necessary in accordance with the information supplied by the agency.

Date: January 28, 1986.

Edwin Meese III,

Attorney General.

[FR Doc. 86-2491 Filed 2-5-86; 8:45 am]

BILLING CODE 4410-01-M

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 166

[CGD 81-103]

Shipping Safety Fairways; Alaska

AGENCY: Coast Guard, DOT.

ACTION: Proposed rule.

SUMMARY: This notice proposes to establish shipping safety fairways to permit vessels to navigate safely off the southern coast of Alaska in the approaches to Prince William Sound and through Unimak Pass. These shipping safety fairways are intended to increase navigation safety in areas subject to offshore drilling activities. The regulations governing shipping safety fairways provide that offshore structures are not permitted within designated safety fairways. This proposal would implement the results of the port access route study as reported in a notice of study results in the **Federal Register** on December 14, 1981 (46 FR 61049).

DATE: Comments must be received on or before May 7, 1986.

ADDRESS: Comments should be submitted to Commandant (G-CMC/21) (CGD81-103), U.S. Coast Guard, Washington, DC 20593. Comments may be delivered to and will be available for inspection and copying at the Marine Safety Council, room 2100, between the hours of 8 a.m. and 4 p.m. Monday through Friday, except holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant (j.g.) Daphne Reese, Project Manager, Office of Navigation (G-NSR-3), room 1606, U.S. Coast Guard headquarters, 2100 Second Street SW., Washington, DC 20593, (202) 245-0108.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this proposed rulemaking by submitting written views, data, or arguments. Each person submitting a comment should include his or her name and address, identify this notice as CGD 81-103, and give the reasons for the comment. Persons desiring acknowledgment that their comment has been received should enclose a stamped self-addressed postcard or envelope.

All comments received before the expiration of the comment period will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held at a time and place to be set in a subsequent notice if written requests for a hearing are received and it is determined that the opportunity to make oral presentations will be beneficial to this rulemaking.

Drafting Information

The principal persons involved in drafting this rulemaking are: Lieutenant (j.g.) Daphne Reese, Project Manager, Office of Navigation, and Lieutenant Sandra Sylvester, Project Attorney, Office of Chief Counsel.

Discussion of Proposed Regulations

In 1978, the Ports and Waterways Safety Act (PWSA) was amended to authorize the Coast Guard to establish shipping safety fairways (33 U.S.C. 1223(c)). Prior to this amendment, fairways were established by the Corps of Engineers (COE) as areas in which no permits for structures were issued. Although the Coast Guard now designates the fairways, the authority to issue permits for structures remains with the COE.

A shipping safety fairway is an area or corridor of a waterway where the right of navigation is paramount over other uses, and where no fixed structure are permitted. A fixed structure in a fairway would be an obstruction to navigation. The fairways exist to ensure structures are not erected during development and production of offshore resources which would hinder safe access to ports. Although the proposed fairways will be indicated on navigation charts, the use of fairways by vessels is voluntary.

The authority to create a fairway may be exercised by the Coast Guard only after a study of potential traffic density and use conflicts has been conducted to determine the need for designated safe access routes for vessels proceeding to and from United States ports (33 U.S.C. 1223(c)(3)). The results of a port access route study could cause restrictions on the manner in which specific offshore areas are leased after the date of the study notice. The study for this rulemaking was initiated by a notice in the **Federal Register** on April 16, 1979 (44 FR 22543, modified in 45 FR 7027). Study results for the ports along the southern coast of Alaska were published in the **Federal Register** on December 14, 1981 (46 FR 61049).

The study concluded that two vessel shipping safety fairways are necessary in Alaskan waters. One is intended to provide safe routing to and from Prince William Sound through Outer Continental Shelf (OCS) areas of the northern Gulf of Alaska for vessels proceeding to and from the Trans-Alaska Pipeline (TAPS) terminal at Valdez. The other is to provide safe routing through Unimak Pass, which is a major route for vessels rounding the Alaska Peninsula as well as a Great Circle route from western United States ports to the Far East. The present rulemaking is intended to implement these study findings. This notice of proposed rulemaking will also modify the geographical descriptions of Prince William Sound and Unimak Pass Safety Fairway as recommended in the port access study results (46 FR 61049). Whereas the study results described the fairways using centerlines, this proposed rule describes the fairways using outside boundaries. These modifications in the descriptions of the fairways are based on plotting by the National Ocean Service (NOS) and do not affect the actual dimensions of the fairways as published in the study results.

After the fairway recommendation was announced in 1981, the Seventeenth Coast Guard District initiated a study on February 27, 1984 (49 FR 7180) to determine whether a traffic separation scheme (TSS) was needed in the Unimak Pass area. A TSS is a routing measure which separates opposing vessel traffic into directional lanes. Once a vessel is within a TSS, it is governed by Rule 10 of the International Regulations for Preventing Collisions at Sea (COLREGS). Rule 10 imposes several specific operating requirements on a vessel. The study results concluded that the current and anticipated traffic patterns and density do not indicate a need for the specific operating requirements of a TSS in Unimak Pass at this time. These results were published on March 18, 1985 (50 FR 10878). The study results also reconfirmed the need for the safety fairway recommended for Unimak Pass in 46 FR 61049 to ensure that vessel traffic would not be obstructed by fixed structures.

The Minerals Management Service (MMS) of the Department of Interior (DOI) has identified three lease sales of offshore tracts in the areas off Prince William Sound and Unimak Pass. Sale 88 (Gulf of Alaska/Cook Inlet) and Sale 89 (St. George Basin) are both currently on hold. Sale 88 and 89 contain blocks which would be affected by the proposed fairways. Sale 92 (North Aleutian Basin) is currently scheduled for January 1986 and includes no blocks affected by the proposed fairways. In a letter to the Coast Guard, the MMS

resource evaluation staff estimated that "the economically recoverable resources in the areas proposed for fairway use are negligible."

The NOS surveyed the proposed Alaska fairway approach to Prince William Sound in June, July, and August 1984 to check the depth of water in the area and look for possible underwater obstructions. NOS, in a letter to the Coast Guard, reported "no significant changes in depth and no indication of pinnacle rocks within the proposed fairway."

Prince William Sound Safety Fairway

A new shipping safety fairway system is proposed in the approaches to Prince William Sound. The Coast Guard Vessel Traffic Service (VTS) in Valdez monitors traffic in the TSS within Prince William Sound. Prince William Sound, and the approaches thereto across the Northern Gulf of Alaska, average 5 transits a day by tank vessels. These vessels are up to 268,000 dead weight tonnage (DWT) in size and carry North Slope crude oil in the TAPS trade between Valdez, and lower U.S. ports and the Virgin Islands.

The fairway would be forked and would consist of three segments. Segment (1) is a fairway extending southeast from Cape Hinchinbrook in which inbound and outbound traffic will navigate. Segment (2) is a two mile wide fairway which would be recommended for inbound traffic approaching the two-way fairway. Segment (3) is a two mile wide fairway which would be recommended for outbound traffic departing the two-way fairway. Traffic directions within segments (2) and (3) will not be mandatory. Appropriate use of the fairway will be encouraged by indicating the recommended direction on nautical charts.

Segment (1) provides adequate maneuvering room for two-way traffic. The two mile width of segments (2) and (3) is adequate for one way traffic, especially in view of their separation. The non-fairway area between the inbound and outbound fairways would be 3.5 nautical miles wide at the northern end and expand to 5.5 nautical miles wide at the southern terminus. This configuration is considered best to resolve the conflict between the need for vessel safety and exploration and exploitation of mineral resources.

Unimak Pass Safety Fairway

It is proposed that a new shipping safety fairway system be established in Unimak Pass. Unimak Pass is the major route through the Aleutian Islands chain. Deep draft vessels currently transit this area while navigating the Great Circle route from western U.S. ports to the Far East. The new fairway will ensure that no structures are erected in this major corridor and will increase navigation safety through areas of offshore drilling. The fairway would be in two four mile wide sections. The first section runs approximately east/west and is approximately 120 miles long. The second section runs approximately north/south and is approximately 23 miles long. No recommended directional routing is proposed within the fairway although vessels would ordinarily tend to stay to the right of the fairway when meeting traffic.

Regulatory Evaluation

Although shipping safety fairways may interfere with direct exploration and production of oil and gas on the OCS, there is not indication that the acreage involved in the proposed fairways will obstruct OCS development. The precise locations of resources in the proposed fairways are unknown; lease sales on tracts within the fairways are uncertain; and indirect access to resources is technically feasible through most of the two-mile wide fairway. Although there is no definite indication that OCS blocks will be developed in the proposed fairways, the Coast Guard is directed by the PWSA to anticipate development and reconcile the potential conflict to navigation by establishing safe access routes in these frequently used traffic corridors.

A request for adjustment to a fairway would be given the appropriate consideration by the Coast Guard, in accordance with the PWSA and rulemaking procedures, in circumstances when there is evidence that fixed structures must be placed in an area designated as a fairway to gain access to significant quantities of oil or gas and that navigation safety would not be jeopardized by a modification of that fairway. In most cases a fairway modification will require a PWSA port access study before rulemaking can be commenced.

The proposed shipping safety fairways will overlay traditional traffic routes and will not alter applicable navigation rules or cause any interference with fishing activities.

These proposed regulations are considered to be non-major under Executive order 12291 and non-significant under the DOT regulatory policies and procedures (44 FR 11034; February 26, 1979). There are no costs associated with the proposed new fairways which can be identified and calculated at this time. These designations will contribute to navigation safety without interfering significantly with development of the OCS. The economic impact of this proposal has been found to be so minimal that further evaluation is unnecessary. Since the impact of this proposal is expected to be so minimal, the Coast Guard certifies that it will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 33 CFR Part 166

Anchorage grounds, Marine safety, Navigation (water), Waterways, Shipping safety fairways.

In consideration of the foregoing, 33 CFR Part 166 is proposed to be amended as follows:

PART 166—SHIPPING SAFETY FAIRWAYS

1. The authority citation for Part 166 continues to read as follows:

Authority: 33 U.S.C. 1223; 49 CFR 1.46(n)(4).

2. Section 166.400 is added to read as follows:

§166.400 Areas along the coast of Alaska.

(a) *Purpose.* Fairways as described in this section are established to control the erection of structures therein to provide safe vessel routes along the coast of Alaska.

(b) *Designated Areas.* (1) Prince William Sound Safety Fairway.

(i) *Hinchinbrook Entrance Safety Fairway.* The area enclosed by rhumb lines joining points at:

Latitude	*Longitude*
59°59'00" N.	145°27'24" W.
60°13'18" N.	146°38'06" W.
60°11'24" N.	146°47'00" W.
59°55'00" N.	145°42'00" W.

(ii) *Gulf to Hinchinbrook Safety Fairway* (recommended for inbound vessel traffic). The area enclosed by rhumb lines joining points at:

Latitude	*Longitude*
59°15'42" N.	144°02'07" W.
59°59'00" N.	145°27'24" W.
59°58'00" N.	145°32'12" W.
59°14'18" N.	144°04'53" W.

(iii) *Hinchinbrook to Gulf Safety Fairway* (recommended for outbound vessel traffic). The area enclosed by rhumb lines joining points at:

Latitude	*Longitude*
59°15'41" N.	144°23'35" W.
59°56'00" N.	145°37'39" W.
59°55'00" N.	145°42'00" W.
59°14'19" N.	144°26'25" W.

(2) Unimak Pass Safety Fairway. (i) *East/West Safety Fairway. The area enclosed by rhumb lines joining points at:*

Latitude	*Longitude*
54°25'58" N.	165°42'24" W.
54°22'50" N.	165°06'54" W.
54°22'10" N.	164°59'29" W.
54°07'58" N.	162°19'25" W.
54°04'02" N.	162°20'35" W.
54°22'02" N.	165°43'36" W.

(ii) *North/South Safety Fairway.* The area enclosed by rhumb lines joining points at:

Latitude	Longitude
54°42'28" N.	165°16'19" W.
54°43'32" N.	165°09'41" W.
54°22'50" N.	165°06'54" W.
54°22'10" N.	164°59'29" W.

Dated: February 3, 1986.

T. J. Wojnar,

Rear Admiral, U.S. Coast Guard Chief, Office of Navigation.

[FR Doc. 86-2628 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-14-M

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 65

[A-3-FRL-2966-3]

State and Federal Administrative Orders Permitting a Delay in Compliance With State Implementation Plan Requirements; Proposed Approval of an Administrative Order Issued by the Pennsylvania Department of Environmental Resources

AGENCY: Environmental Protection Agency.

ACTION: Proposed Rulemaking; invitation for public comment.

SUMMARY: EPA has proposed to approve an Administrative Order issued by the Pennsylvania Department of Environmental Resources to Zapata Industries. The Order requires the company to bring air emissions from its metal surface coating facility located in West Mahoney Township, Schuylkill County, Pennsylvania into compliance with certain regulations contained in the federally-approved Pennsylvania State Implementation Plan (SIP) for the control of ozone. Also, the Order requires that compliance be achieved by April 21, 1986 utilizing low solvent technology (LST) and by April 21, 1987 should LST be abandoned and add-on controls installed. Because the Order has been issued to a major source and permits a delay in compliance with provisions of the SIP, it must be approved by EPA before it becomes effective as a Delayed Compliance Order pursuant to the Clean Air Act (the Act). If approved by EPA, the Order will constitute an addition to the SIP. In addition, a source in compliance with an approved Order may not be sued under the Federal enforcement or citizen suit provisions of the Act for violation of the SIP regulations covered by the Order. The purpose of this notice is to invite public comment on EPA's proposed approval of the Order as a Delayed Compliance Order.

DATE: Written comments must be received on or before March 10, 1986.

ADDRESSES: Comments should be submitted to Director, Air Management Division, EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107. The State Order, supporting material, and public comments received in response to this notice may be inspected and copied (for appropriate charges) at the EPA Region III address above during normal business hours.

FOR FURTHER INFORMATION CONTACT: James B. Topsale, P.E., Environmental Engineer, Enforcement Policy and State Coordination Section, Air Management Division, U.S. EPA Region III, 841 Chestnut Building, Philadelphia, Pennsylvania 19107, Telephone: (215) 597-6553.

SUPPLEMENTARY INFORMATION: Zapata Industries, Inc. operates a miscellaneous metal parts and products surface coating facility in West Mahoney Township, Schuylkill County, Pennsylvania. The Order under consideration addresses emissions from the metal surface coating processes, which are subject to § 129.52, Table 1, clear coatings of Title 25 of the Pennsylvania Code. The regulations limit the emissions of volatile organic compounds (VOC), and are part of the federally-approved Pennsylvania State Implementation Plan for the control of ozone. Also, the Order requires that final compliance with the regulation shall be achieved by April 21, 1986 through the use of low solvent technology (LST) and by April 27, 1987 should LST be abandoned and add-on controls installed.

Because this Order has been issued to a major source of VOC emissions and permits a delay in compliance with the applicable regulation, it must be approved by EPA before it becomes effective as a Delayed Compliance Order under section 113(d) of the Clean Air Act (the Act). EPA has reviewed the Order and has found that the Order does satisfy the requirements of this subsection of the Act.

EPA's review indicates that the Zapata Industries, Inc. facility is a major source of VOC emissions. The facility is located in the Northeast Pennsylvania-Upper Delaware Valley Interstate (New Jersey-Pennsylvania) Air Quality Control Region, essentially a non-attainment area for the National Ambient Air Quality Standard for ozone, excluding the attainment counties of Bradford, Sullivan, and Tioga.

The facility as presently constructed is unable to comply with regulations limiting emissions of VOC's codified at § 129.52 of Title 25 of the Pennsylvania Code, part of the federally-approved State Implementation Plan, because low solvent coatings are still being developed. Prior to issuance of the Order, Pennsylvania provided an opportunity for public comment and hearing on the Order. No public comments or requests for public hearing were received by the State. The Order contains requirements for expeditious increments of progress towards compliance and emission monitoring and reporting requirements and provides for interim emission reduction requirements as required by section 113(d)(6) of the Clean Air Act. These requirements are sufficient to avoid any imminent and substantial endangerment to health within the meaning of section 113(d)(7)(A) of the Clean Air Act. After several months of LST research and development work, and consistent with the increments of progress defined in the Order, Zapata informed PA DER by letter dated July 2, 1985 that the Company was in the process of contracting for emissions control equipment. This action will allow timely source compliance with § 129.52 of Title 25 of the Pa. Code. A second Zapata letter, dated September 30, 1985, indicates that the Company will submit to PA DER, on or before January 1, 1986 and consistent with the Order, a complete permit application to install control equipment. The 1984 estimated total VOC emissions of 138 Tons/Year (T/Y) will be reduced to 127 T/Y by April 21, 1987 with the installation of control equipment for the surface metal coating facility. A substantial portion of the total emission estimates represent emissions from processes currently controlled by incineration and not subject to this Order.

The system of emissions reduction required during the period covered by this Order is the best practicable system in light of the ultimate emission reductions required for compliance with the SIP. This interim system provides substantial emission reduction in a manner which permits the Company to move toward the use of either low solvent coatings or facility alterations to install add-on controls.

The Order requires the facility to comply with the State Implementation Plan whenever it is temporarily able to do so and the Order, therefore, meets the requirements of section 113(d)(7)(B). The Order notifies Zapata Industries, Inc. of its liability for noncompliance penalties under Section 120 of the Clean Air Act, 42 U.S.C. 7420 as required by section 113(d)(1)(E) of the Act.

If approved, the Order would also constitute an addition to the

Pennsylvania SIP. However, source compliance with the Order will not preclude assessment of any penalties under section 120 of the Act, unless the source is otherwise entitled to an exemption under section 120(a)(2) (B) or (C).

All interested persons are invited to submit written comments on the proposed Order. Written comments received by the date specified above will be considered in determining whether EPA may approve the Order. After the public comment period, the Administrator of EPA will publish in the **Federal Register** the Agency's final action on the Order in 40 CFR Part 65.

The Office of Management and Budget has exempted this rule from the requirements of Section 3 of the Executive Order 12291.

Under 5 U.S.C. 605(b), the Administrator has certified that this action does not have a significant economic impact on a substantial number of small entities.

Authority: 42 U.S.C. 7413, 7601.

Dated: January 23, 1986

James M. Seif,

Regional Administrator, Region III.

[FR 86-2583 Filed 2-5-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 141

[WH-FRL-2964-7]

National Primary Drinking Water Regulations; Synthetic Organic Chemicals, Inorganic Chemicals and Microorganisms; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

SUMMARY: EPA is correcting the proposed rule for Recommended Maximum Contaminant Levels (RMCLs) for synthetic organic chemicals, inorganic chemicals and microorganisms which was published in the **Federal Register** of November 13, 1985, 50 FR 46936.

FOR FURTHER INFORMATION CONTACT: Joseph A. Cotruvo, Ph.D., Director, Criteria and Standards Division, ODW (WH-550), Environmental Protection Agency, 401 M St., SW Washington, DC 20460 (202/382-7575).

DATES: Comments on the proposed rule must be submitted by March 13, 1986. A public hearing will be held in Washington, DC, on Tuesday January 28 and if needed, Wednesday January 29, 1986, beginning at 9:00 AM in Conference Room 1, adjacent to the Washington, Information Center, EPA, 401 M St., SW., Washington, DC.

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Doc. 85-26418 appearing on page 46936 in the issue of November 13, 1985:

1. On page 46941, column 2, third full paragraph, line two, change "in" to "is".

2. On page 46951, Table 7, under Total coliforms, membrane filter technique, across from <20 samples/month; change "<4/100 ml, once/month; to ">4/100 ml once/month".

3. On page 46951, Table 7, under Multiple tube fermentation procedure (100-ml portions) single sample MCLs; change "<5 samples/month" to ">5 samples/month".

4.On page 46958, Table 8, line 10, change "nitrate" to "nitrite".

5. On page 46967, column 1, third full paragraph, lines 13 and 14, change "(February 1984. 49 FR 4551)" to "(U.S. EPA, 1982. Unpublished. Errata for the Ambient Water Quality Criteria Documents. February 23, p. 2)".

6. On page 46973, column 1, lines 11, 23, 24, 29, 31, 32, 34, 36, 39, 40 and 42, change "ug/l" to "mg/l".

7. On page 46973, column 2, lines 14, 19, 33, and 52, change "ug/l" to mg/l".

8. On page 46976, column 2 second full paragraph, line 18, change "(February, 1984. 49 FR 4551)" to "(U.S. EPA, 1982. Unpublished. Errata for the Ambient Water Quality Criteria Documents. February 23, p. 7).

9. On page 46978, column 2, first full paragraph, line 7, change "(February 1984. 49 FR 4551)" to "(U.S. EPA, 1982. Unpublished. Errata for the Ambient Water Quality Criteria Documents. February 23, p. 14)".

10. On page 47022, § 141.50 *Recommended Maximum Contamination Levels for organic contaminants,* change paragraphs (b)(10) through (b)(18) in the table to read as follows:

Contaminant	RMCL in mg/l
(10) 1,2-Dichloropropane	0.006
(11) Ethylbenzene	0.68
(12) Lindane	0.0002
(13) Methoxychlor	0.34
(14) Monochlorobenzene	0.06
(15) Pentachlorophenol	0.22
(16) Styrene	0.14
(17) Toluene	2.0
(18) 2,4,5-TP	0.052
(19) Xylene	0.44

Dated: January 16, 1986.

William B. Medeman,

Acting Assistant Administrator for Water.

[FR Doc. 86-2257 Filed 2-5-86; 8:45 am]

BILLING CODE 6560-50-M

40 CFR Part 141

[WH-FRL-2964-8]

National Primary Drinking Water Regulations; Volatile Synthetic Organic Chemicals; Correction

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; correction.

SUMMARY: EPA is correcting the proposed rule for Maximum Contaminant Levels (MCLs) for eight volatile synthetic organic chemicals in drinking water which was published in the **Federal Register** of November 13, 1985, 50 FR 46902.

FOR FURTHER INFORMATION CONTACT: Joseph A. Cotruvo, Ph.D., Director, Criteria and Standards Division, ODW (WH-550), Environmental Protection Agency, 401 M St., SW., Washington, DC 20460 (202/382-7575).

DATES: Comments on the proposed rule must be submitted on or before February 11, 1986. A public hearing will be held in Washington, DC on Monday, January 13 and if needed, Tuesday, January 14, 1986, beginning at 9:00 AM in Room 3906, EPA 401 M St., SW., Washington, DC.

SUPPLEMENTARY INFORMATION: The following corrections are made in FR Doc. 85-2616 appearing on 46902 in the issue of November 13, 1985:

1. On page 46902, column 1, lines 52 and 53, change "Tuesday January 13 and 14, 1986," to "Monday, January 13 and if needed, Tuesday, January 14, 1986".

2. On page 46903, column 2, fourth full paragraph, last line, change "variance" to "exemption".

3. On page 46906, column 1, third full paragraph, line 13, change "on" to "only".

4. On page 46909, column 1, second paragraph, line 8, change "100 μg/l" to "10 μg/l"

5. On page 46924, column 1, line 30, change "sec-Dichloropropane" to "2,2-Dichloropropane".

6. On page 46924, column 1, line 39, change "1,1-Dichloropropane" to "1,1-Dichloropropene".

7. On page 46929, § 141.24(g)(10) lines 6 and 8, change "100 μg/l" to "10 μg/l".

8. On page 46930, § 141.40(l)(37) change "sec-Dichloropropane" to "2,2-Dichloropropane".

9. On page 46930, column 1, § 141.40(l)(46) change "1,1-Dichloropropane" to "1,1-Dichloropropene".

10. On page 46933, Table B-1, change the monitoring option under Option 2,

across from VOCs ND/invulnerable to read, "5 years for ground water, State discretion for surface water".

Dated: January 16, 1986.

William B. Hedeman,

Acting Assistant Administrator for Water.

[FR Doc. 86-2258 Filed 2-5-86; 8:45 am]

BILLING CODE 6560-50-M

GENERAL SERVICES ADMINISTRATION

Office of Acquisition Policy

41 CFR Ch. 101, Subchapter E

Supply and Procurement; Draft Availability

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of proposed rulemaking and availability of draft.

SUMMARY: This notice announces the availability of a draft proposed revision of Federal Property Management Regulations (FPMR) Subchapter E, Supply and Procurement.

DATE: Any comments on the proposed revision should be submitted in writting to the address shown below within 60 days from the publication date of this notice in the **Federal Register.** No extensions on the comment date cited in this notice will be made.

ADDRESS: Comments should be submitted to the General Services Administration, VRT, Washington, DC 20405.

FOR FURTHER INFORMATION CONTACT: Emily C. Karam, Director of Regulatory Review (VRT), Office of Acquisition Policy, telephone (202 566-1177 or FTS 566-1177. A single copy of the proposed revision is available upon request.

SUPPLEMENTARY INFORMATION: The proposed revision incorporates recommendations to update, clarify, and streamline the regulation which were submitted to the Administrator of GSA by the Interagency Advisory Committee on Regulatory Review.

Dated: January 30, 1986.

Patricia A. Szervo,

Associate Administrator for Acquisition Policy.

[FR Doc. 86-2571 Filed 2-5-86; 8:45 am]

BILLING CODE 6820-61-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

42 CFR Part 405

[OMB-008-N]

Medicare Program; Agency Information Collection Activities Under OMB Review

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of OMB action on collection of information requirements.

SUMMARY: As a result of reviews performed under the authority of the Paperwork Reduction Act of 1980, the Office of Management and Budget (OMB) has directed that we revise selected collection of information requirements in our regulations. The requirements identified by OMB are those concerning conditions for coverage of suppliers of end-stage renal disease services. This notice:

(1) Informs the public of OMB's decision, and

(2) announces our intention to develop a proposed rule to modify the regulations, as appropriate.

Consistent with the provisions of 5 CFR 1320.14, OMB has granted continued approval of the current collection of information requirements for a limited time.

FOR FURTHER INFORMATION CONTACT:

Michael Odachowski, (301) 594-3075, Information Collection Requirements

or

Stan Rosenfeld, (301) 594-5675, Conditions for Coverage of Suppliers of End-Stage Renal Disease Suppliers.

SUPPLEMENTARY INFORMATION: The Paperwork Reduction Act of 1980 (44 U.S.C. 3507) establishes policies and procedures for controlling paperwork burdens imposed by Federal agencies on the public. In regulations at 5 CFR 1320.14, effective May 2, 1983, the Office of Management and Budget (OMB) set forth procedures for its review of collection of information requirements contained in existing regulations that had not been previously reviewed by OMB or the General Accounting Office.

In accordance with an agreed-upon schedule, HCFA identified and submitted for review a number of items for approval. (Approval results in assignment of a control number, listed at 42 CFR 400.310.) OMB has directed that we initiate proposals to change certain requirements. In such instances, OMB's procedures require Federal agencies to publish a notice in the **Federal Register** informing the public that OMB has initiated proposals for changes in the collection of information requirements and that OMB has approved the information requirements for a limited period of time. (This process is described in OMB regulations, 5 CFR 1320.14(f).)

The collection of information requirements most recently identified by OMB as those that may be overly prescriptive appear in 42 CFR Part 405, Subpart U. Therefore, we are publishing this notice to inform the public that OMB has granted limited continued approval of these questioned requirements.

The following rules contain collection of information requirements that OMB has identified for elimination or change:

42 CFR Part 405, Subpart U (Conditions for Coverage of Suppliers of End-Stage Renal Disease (ESRD) Services)

1. Section 405.2112(b)(2) requires that the network coordinating council (NCC) in an approved ESRD network submit to the Secretary an annual report containing (a) ESRD services provided by each facility in the network; (b) a quantitative estimate of each facility's capacity to deliver each service; (c) the anticipated utilization rate for each ESRD service in each facility for each year in the subsequent 3 year period; (d) a statement describing reasons for the participation of an ESRD facility reporting utilization rates that do not satisfy the standard for unconditional status in § 405.2130; and (e) an overview report on the medical review activities undertaken in the network during the previous year.

2. Section 405.2113(f) requires that the NCC medical review board submit to the council and the secretary a report on its activities not less than annually. The report must include (a) the plan of the board for conducting review activities and the process of information exchange between the board, the council and the network facilities; (b) findings of board reviews and studies; and (c) recommendations on the effective accomplishment of the purposes and objectives of the board.

3. Section 405.2114 requires that NCCs develop detailed written working arrangements with Health Systems Agencies and State Health Coordinating Councils. It also requires that the medical review board develop detailed written arrangements with PROs to assure that these organizations receive appropriate professional advice concerning the quality of medical

services required and given to ESRD patients.

4. Section 405.2136(b)(4) requires that the operational objectives and administrative rules and regulations of each ESRD facility be reviewed at least annually, revised as necessary, and adopted when approved by the governing body. Section 405.2136(c) specifies responsibilities of the chief executive officer of an ESRD facility, including maintaining and submitting records and reports. Section 405.2136(d) provides that the governing body must institute specific written personnel policies and procedures, including incident and accident reporting and maintaining personnel records and manuals. Section 405.2136(e) requires the chief executive officer of a facility, when using outside resources, to have detailed written documents relating to the terms of each arrangement.

We will, within 120 days, develop a proposed rule to modify these collection of information requirements.

(Section 1102 of the Social Security Act, 42 U.S.C. 1302; 5 CFR 1320.14(f))

(Catalog of Federal Domestic Assistance Program No. 13.773, Medicare—Hospital Insurance; No. 13.774, Medicare—Supplementary Medical Insurance)

Dated: January 17, 1986.

C. McClain Haddow,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 86-2658 Filed 2-5-86; 8:45 am]

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DEPARTMENT OF TRANSPORTATION

Coast Guard

46 CFR Parts 25, 58, 147 and 184

[CGD 83-013]

Carriage and Use of Liquefied and Non-Liquefied Flammable Gas as Cooking Fuels on Vessels Carrying Passengers for Hire

AGENCY: Coast Guard, DOT.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: Coast Guard regulations currently prohibit the carriage and use of liquefied and non-liquefied flammable gas as ships' stores on vessels carrying passengers for hire. The Coast Guard published proposed rules in the March 22, 1984 **Federal Register** (49 FR 10685) which would have removed this prohibition as it pertains to cooking appliances and promulgated standards to govern the design, installation and testing of cooking appliances using these fuels. The purpose of this supplemental proposed rule is to allow for further comment before publication as a final rule because of the substantive changes made to the initial proposal as a result of the comments received.

DATE: Comments must be received on or before May 7, 1986.

ADDRESSES: 1. Send comments to Commandant (G-CMC/21) [CGD 83-013], U.S. Coast Guard, Washington, DC 20593. All comments received and other materials referenced in this notice will be available for examination or copying between 7:30 a.m. and 3:30 p.m., Monday through Friday, exclusive of Federal holidays, at the Marine Safety Council (G-CMC/21), Room 2110, U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC. Comments may also be hand delivered to this address.

2. The standards proposed for incorporation by reference may be obtained from the American Boat and Yacht Council Inc., P.O. Box 806, Amityville, NY, 11701, (516) 598-0050, and the National fire Protection Association, Batterymarch Park, Quincy, MA, 02269, (617) 770-3000. They may also be examined at most Coast Guard Marine Inspection and Marine Safety Offices and at the office of the Federal Register.

FOR FURTHER INFORMATION CONTACT: LCDR Donald B. Parsons, Project Manager, (202) 426-4431.

SUPPLEMENTARY INFORMATION: The public is invited to participate in this supplemental proposed rulemaking by submitting written views, data or arguments. Comments should include the name and address, identify this notice [CGD 83-013], the specific section of the proposal to which the comments apply, and give reasons for any recommended changes. The proposal may be changed in light of comments received. All comments will be considered before final action is taken on this proposal. No public hearing is planned, but one may be held if requested by anyone raising a genuine issue.

Drafting Information

The principal persons involved in drafting this document are LCDR Donald B. Parsons, Office of Merchant Marine Safety, and Michael N. Mervin, Office of the Chief Counsel.

E.O. 12291 and DOT Regulatory Policies and Procedures

This supplemental proposed rulemaking is considered to be non-major under Executive Order 12291 and nonsignificant under the DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979). A draft regulatory evaluation has been prepared and placed in the rulemaking docket. It may be inspected or copied at the location specified in the **ADDRESSES** paragraph. Copies may also be obtained by sending a written request to that address.

As explained in the draft evaluation, the proposed rules are deregulatory. They provide alternatives to fuels currently in use by permitting the use of cooking fuels that are currently prohibited by the regulations. The rules would not require vessel owners or operators to install systems using these fuels. Vessel owners would choose to install liquefied petroleum gas (LPG) or compressed natural gas (CNG) cooking appliances on new vessels only if they believed that the costs of such equipment, in terms of initial purchase price, installation costs or operating costs were less than the currently permitted systems, or if they believed that these systems provided added convenience that outweighed any additional costs. Owners of existing vessels with installed cooking appliances may choose to replace them with LPG or CNG systems if they believed them to be less costly, if they are experiencing difficulty in obtaining fuel for their current systems and LPG or CNG are readily available, or if they prefer these systems for their cleanliness and ease of operation.

The proposed rules serve only to expand the choices available to vessel owners, although some vessel owners may choose to install LPG or CNG systems for their added convenience even though they may in some instances be more costly. There are relatively minor differences between the cost of electric marine stoves and those with similar features that are fueled either by alcohol or LPG. Depending upon the individual features of an electric stove, its purchase price may range from less than $100 to over $400; typically, an equivalent alcohol stove would be priced $10 to $30 more, and an LPG or CNG stove priced $15 to $60 more. There would be little, if any, difference in installation costs. The differences in operating costs would be governed by the relative costs and availability of the fuels. Because the economic impact of this proposal is so minimal, we find that no further economic evaluation is necessary.

Environmental Assessment

An environmental assessment has not been prepared. As specified by DOT Order 5610.1C and Commandant Instruction M16714.1A, regulations of this type are excluded from the

requirement to prepare an environmental assessment.

Regulatory Flexibility Act

The Coast Guard certifies that this proposal will not have a significant economic impact on a substantial number of small entities. This proposal principally affects small vessels carrying passengers. This includes both Coast Guard inspected and uninspected vessels. Many of these are operated as small businesses. While it has not been possible to quantify the economic impact of this proposal, any cost of installing LPG or CNG cooking appliances would be voluntarily assumed by the vessel owner or operator. The proposal does not require the installation of systems using these fuels.

Discussion of the Proposed Regulations

The Coast Guard's ships' store regulations, 46 CFR Part 147, prohibit the carriage of liquefied and non-liquefied gases, such as LPG and CNG, as ship's stores (items intended for use or consumption on board a vessel) on vessels carrying passengers for hire. This prohibition dates back to 1937. The prohibition is referenced or paraphrased in 46 CFR 25.45—Uninspected Vessels, 46 CFR 58.16—Marine Engineering, and 46 CFR 184.05—Small Passenger Vessels.

In 1982, the Coast Guard received numerous requests to reevaluate the prohibition against the use of LPG and CNG as cooking fuels. A technical proposal submitted by the Virgin Islands Charterboat League cites advances in the technology of LPG systems, the adoption by the American Boat and Yacht Council (ABYC) of voluntary standards, and their own perception of the hazards of these fuels vis-a-vis the principal alternative fuels—alcohol and kerosene—as reasons for reevaluating the regulations. Also mentioned are cleanliness, convenience, and commercial availability of LPG as compared to the alternative fuels. Some vessel operators also claim that they face inequitable treatment because LPG cooking appliances are not prohibited on vessels offered for bareboat charter or on similar vessels operating in the British Virgin Islands.

The Coast Guard has reviewed its casualty statistics for recreational boats, where LPG and CNG systems are not prohibited. This data indicates that LPG and CNG cooking systems have not contributed to a greater number of galley fires than the principal alternative fuels—kerosene and alcohol. However, data is not available to indicate the number of LPG and CNG units installed vis-a-vis kerosene or alcohol units and in cases involving explosions, the source of explosive vapors may not be known.

The ABYC has adopted voluntary standards for both LPG and CNG systems on small vessels. ABYC standard A–1–78 provides standards for the design, installation, testing and use of LPG systems; ABYC standard A–22–78 provides similar standards for CNG systems. Coast Guard regulations (46 CFR 58.16) permit the use of LPG systems on inspected vessels that do not carry passengers for hire; ABYC standard A–1–78 is similar in most respects to these regulations. The Coast Guard does not have regulations specifically governing the design, installation or testing of CNG systems on inspected vessels. The Coast Guard has concluded that there is not sufficient interest in installing CNG systems on large inspected vessels to develop specific regulations at this time; such installations may be considered on a case-by-case basis under the provisions of 46 CFR 50.20–30.

Having reviewed the ABYC standards A–1–78 and A–22–78 the Coast Guard has concluded that, with few exceptions, they can be adopted and used to govern the design, installation and testing of attended LPG and CNG cooking systems on vessels carrying passengers for hire. Although the ABYC standards do permit the use of LPG and CNG for unattended appliances such as heating units, the Coast Guard is proposing to limit the use of LPG and CNG to cooking appliances. Cooking appliances are normally operated by a member of the vessel's crew, the fuel need only be supplied to these appliances for a limited period of time, and they are normally attended while in operation. Most other LPG or CNG applications involve unattended appliances or appliances, such as heating units, which would normally be accessible to and operated by the passengers. A major concern with both LPG and CNG is the possibility of a dangerous concentration of vapor accumulating in any enclosed space through which the fuel supply piping is led, where the appliances are located, or where the cylinders are stored. Therefore the Coast Guard has concluded that the greater possibility of undetected vapor accumulation or misuse with these other LPG and CNG applications warrants their continued prohibition on passenger-carrying vessels for the present. To further reduce the possibility of dangerous vapor accumulations, the Coast Guard is proposing that LPG and CNG cylinders be located outside enclosed areas, and that a remotely operated shut-off valve be installed in the fuel supply line if it enters an enclosed space on the vessel.

Accordingly, the Coast Guard published proposed rules in the March 22, 1984, **Federal Register** (49 FR 10685) which would have removed the prohibition against using compressed flammable gases as fuels for cooking appliances. This proposal also promulgated standards governing the design, installation and testing of cooking appliances using LPG and CNG. As a result of the comments received, substantive changes have been made to the original proposal, and they have been incorporated into this supplemental proposed rule.

On August 26, 1983, all the maritime shipping laws relating to vessels and seamen which were contained in the Revised Statutes and the Statutes at Large were recodified and enacted into Subtitle II of Title 46, United States Code, "Shipping". The recodification repealed Revised Statute 4472 (46 U.S.C. 170) on the basis that its authority was duplicated elsewhere within the Coast Guard's and Department of Transportation's statutes, and that no substantive changes were made to the law. The Coast Guard's authority to regulate Ship's Stores on inspected vessels is now 46 U.S.C. 3306. The authority to regulate cooking, heating, and lighting systems on uninspected vessels carrying passengers for hire (46 CFR 25.45) is now 46 U.S.C. 4105 and 46 U.S.C. 4302. The Coast Guard's authority to regulate the carriage of hazardous materials carried aboard all vessels is 49 U.S.C. 1804(a). The authority citations in this proposal indicate these changes.

Paperwork Reduction Act

The collection of information requirements contained in this rule have been submitted to the Office of Management and Budget (OMB) for review under Section 3504(h) of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35). Comments concerning the collection of information requirements contained in this proposed rule should be directed to the Office of Regulatory Policy, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503, Attention: Desk Officer for DOT. A copy of any comments submitted, sent to Commandant (G–CMC/21) as indicated in **"ADDRESSES"** above, would be appreciated.

Discussion of Comments

A total of fifty-one comment letters were received from forty-five persons or organizations in response to the notice of proposed rulemaking published in the

March 22, 1984, Federal Register (49 FR 10685). Of the forty-five persons or organizations, forty-two were in favor of the proposal, one was opposed to allowing either LPG or CNG on passenger-carrying vessels, one was opposed to allowing LPG on these vessels, and one expressed no opinion either way. Although the majority of comments were in favor of permitting the use of these fuels on passenger vessels, many were opposed to certain specifics of the proposed rule. These comments are discussed below.

1. The one comment that opposed the installation of both CNG and LPG cooking appliances on passenger vessels stressed the fire and explosion potential of these fuels. Also, this comment called attention to the adversities of the marine environment which these systems would be subjected to that are not encountered in shoreside installations. According to the comment, these conditions would increase the hazards presented by these fuels.

Any of the cooking fuels currently allowed aboard passenger vessels possess the potential for fire or explosion. The fact that LPG and CNG are gases at ambient temperatures and therefore form explosive atmospheres in case of a leak more readily than liquid fuels supports the opposition to allowing LPG and CNG on passenger-carrying vessels. However, as stated in the preamble of the proposed rule published on March 22, 1984, the casualty statistics do not indicate that LPG or CNG cooking systems have contributed to a greater number of galley fires than kerosene or alcohol. Also, there is no evidence to indicate that the marine environment has a significant enough adverse effect on these systems to render them unsafe and therefore unsuitable for use on vessels.

2. Two comments were opposed to allowing the use of LPG as a cooking fuel because, in addition to the previously stated fire and explosion potential, it is heavier than air and could collect inside the vessel in the event of a leak rather than rising and dissipating into the atmosphere as CNG would.

If the LPG bottle and regulating equipment are stowed in a housing that is either topside or in a vapor-tight locker in an open cockpit and is vented overboard above the waterline, the possibility of LPG entering the vessel because of a leak from either of these sources is highly unlikely. Additionally, if the supply piping is tested in accordance with the referenced industry standards, any leak in the system will be detected. These requirements, combined with the prohibition against pilot lights, the installation of a remotely controlled shutoff valve, and the fact that stoves are usually attended, make the probability of a leak going undetected long enough to allow a dangerous accumulation of gas slight.

3. One comment mentioned OMB Circular A–119 which addresses federal agency use of voluntary standards, and stated that two guideline documents approved by the Secretary of Commerce should be referenced as they apply to this rulemaking. These documents are entitled "Guidelines for Federal Agency Use of Private Sector Third-Party Certification" and "Guidelines for Federal Agency Use of Self-Certification by Producer or Supplier". These documents were published in the Federal Register on February 15, 1984 (49 FR 5792).

This rulemaking does meet the policy set forth in OMB Circular A–119. The guidelines approved by the Secretary of Commerce do not apply, however, because there is no self-certification or third-party certification involved in this rulemaking. Rather, the Coast Guard will verify that LPG and CNG cooking appliance installations meet the standards adopted by regulations on inspected passenger vessels, and it is the responsibility of the owner of an uninspected passenger-carrying vessel to ensure that LPG and CNG installations on his vessel comply with the adopted industry standards. In neither case is there a certification by either a third party, producer, or supplier that these installations meet the adopted standards.

4. Four comments recommended adopting the National Fire Protection Association Standard No. 302, Pleasure and Commercial Motor Craft 1984, in lieu of the ABYC standards. The primary reason given was that the NFPA standard was considered more stringent than those of ABYC and would therefore provide for a safer installation.

The NFPA and ABYC standards were compared and found to be so similiar that the Coast Guard is proposing that either standard may be used as the basic reference for LPG or CNG installations. However, due to a few differences between these standards which are considered significant, certain requirements are being added to each of them. Specifically, these requirements are as follows:

a. If NFPA 302 is used as the standard, then the following ABYC sections must also be complied with:

1. LPG or CNG must be odorized in accordance with A–1.5.d or A–22.5.b, respectively.

2. Ovens must be equipped with a flame failure switch in accordance with A–1.10.b for LPG or A–22.10.b for CNG.

3. The marking and mounting of LPG cylinders must be in accordance with A–1.6.b.

4. Only LPG cylinders of the vapor withdrawal type are permitted as specified in A–1.5.b.

b. If ABYC A–1 or A–22 is used as the standard for an LPG or CNG installation, then the following requirements must also be met:

1. Pilot lights or glow plugs are prohibited.

2. The use or stowage of stoves with attached cylinders is prohibited as specified in paragraph 6–5.1 of NFPA 302.

c. If ABYC A–22 is used as the standard for a CNG installation, then the CNC cylinders, regulation equipment, and safety equipment must meet the requirements of paragraphs 6–5.11.1, 2, 3, 5.11.5, and 5.11.8 of NFPA 302.

5. Fifteen comments were not in agreement with the requirement that the gas cylinders be stowed in metal enclosures above the weather deck. The reasons cited were lack of space, interference of the tank and fuel supply line with the rigging on sail vessels, that the metal cylinder enclosure would interfere with the working of the sails on sailboats, and the increased probability of the cylinder being damaged by wave action. Also, it was mentioned that stowing CNG cylinders above the weather deck was superfluous because CNG is lighter than air and, if it leaked, it would simply rise and dissipate into the atmosphere. All these commenters recommended simply accepting the ABYC standards for cylinder stowage without modification.

After reevaluating this requirement and those contained in the ABYC and NFPA standards, it has been decided that the industry standards by themselves provide an adequate level of safety except as regards the stowage of CNG cylinders. Therefore, the requirement to stow cylinders in enclosures located above the weather deck has been withdrawn to allow for the exceptions provided by the industry standards. Also, the proposed requirements contained in paragraphs 25.45–2(b)(3) and 184.05–1(d)(3) have been deleted as they merely reiterate the industry standards. It should be noted, however, that the proposed rule did not specify that the cylinder enclosures be metal.

Regarding CNG cylinders, ABYC permits their stowage anywhere on the vessel while NFPA 302 requires them to be stowed similarly to LPG cylinders. Although any CNG leaking from a cylinder stowed within a vessel would

rise, the Coast Guard feels this would present an unacceptable risk because of the possibility of the gas encountering an ignition source before exiting the vessel. Therefore, the Coast Guard is proposing that CNG cylinder stowage be similar to that for LPG as set forth in section 6–5.11.3 of NFPA 302.

6. One comment stated that propane cylinders should be permitted to be installed below deck provided adequate safety precautions were taken such as putting the cylinder and regulator in a vapor tight container with a bottom vent leading overboard. The Coast Guard is not in agreement with this because of LPG's property of being heavier than air. A leak in the container or bottom vent would result in LPG collecting in the bottom of a compartment with no means of being vented. This presents an unacceptable risk on passenger vessels and therefore the requirements for LPG cylinder stowage set forth in NFPA 302 or ABYC A–1 must be met.

7. Six comments stated that the remotely controlled shutoff valve should not be required. One reason given was that requiring solid piping from the cylinder to the appliance with a valve at the appliance would be adequate. Another reason was that CNG systems operate at a much lower pressure than those of LPG and a liquid over-pressure condition can not occur as is the case with LPG. A third reason was that the shutoff valves are of light construction and will not stand up to constant use, with undetected fractures developing directly at the valve.

Both NFPA and ABYC require the gas supply piping to be a continuous length of tubing without joints except to feed appliances. The purpose of the remotely controlled shutoff valve is to minimize the amount of time needed for the stove operator to secure the gas supply in the event of a leak in the fuel line inside the vessel. This in turn would minimize the amount of gas released into the vessel. The Coast Guard feels this extra measure of safety is needed on passenger vessels. A valve installed at the appliance would not serve this function, and therefore this suggestion is not being adopted.

Other than the tank, both LPG and CNG systems operate at very low pressures (less than one psig.) and both systems are protected from over-pressure by required relief valves installed on the low pressure side of the regulator. Therefore, it is not reasonable to expect the supply line to fail due to overpressure, but more probably from mechanical damage. Consequently, it is not reasonable to eliminate the requirement for the remotely controlled shutoff valve in CNG systems because of its lower operating pressure.

The remotely controlled shutoff valve is not intended to be the primary gas supply valve for the fuel system, but only intended to be used in an emergency in the event of a gas leak inside the vessel. Therefore, these valves should rarely be operated. Consequently, the probability of the valve, or its fittings, failing from excessive use is minimal. In the unlikely event that the valve, its fittings, or any other part of the system should develop hidden fractures, the hazard to the vessel would be minimal because the NFPA and ABYC standards both require that these systems be frequently tested. These tests would readily indicate any leak in the system. For these reasons, the remotely controlled shutoff valve requirement is being retained.

8. Three comments suggested that the required remote shutoff value be an electric solenoid valve rather than a mechanically operated one because a mechanical valve would be difficult to operate on most vessels due to the distance between the appliance and the cylinder. Another comment suggested that a normally closed solenoid valve, operable from the stove, be installed next to the cylinder valve. The reason for this type of valve was that in the event of a power failure, the valve would automatically close, whereas a normally open solenoid valve would become inoperable and remain open.

The type of control mechanism required for the remotely controlled shutoff valve was not specified in the original proposal because this was not felt to be critical. What was considered important was the ability of the stove operator to secure the flow of gas into the vessel in the event of a leak. Whether the distance between the stove and the shutoff valve is such as to make a mechanical control mechanism ineffective will depend upon the specific installation. Therefore, the type of remotely controlled shutoff valve installed and its control mechanism is left to the discretion of the vessel owner.

To install the remotely controlled shutoff valve next to the cylinder valve would conflict with the NFPA and ABYC standards which require that the regulator be installed next to the cylinder valve. Also, the initial proposal allowed the remotely controlled shutoff valve to be installed anywhere in the fuel supply line between the regulator and where the line entered the vessel. This was permitted because a leak occurring in the line outside of the vessel was not considered to be extremely dangerous as the gas would dissipate into the atmosphere. Since there is no apparent reason to install this valve at the regulator, this flexibility has been maintained.

The Coast Guard agrees that a normally closed power operated valve is superior to a normally open one, and this SNPRM requires all power operated valves to be of the fail-closed type.

9. Three comments requested a public hearing to discuss the proposed rules. No meeting has been held because several of the recommendations made in the comments received have been incorporated into this SNPRM, and it was not considered beneficial to discuss a proposal which was being revised. Rather, it is felt that it would be more meaningful to publish this SNPRM for comment and then consider a public hearing should one still be requested by anyone raising a genuine issue. It should be noted that this supplemental proposal was on the agenda of the National Boating Safety Advisory Council (NBSAC) at its meeting as discussed in paragraph 10 below. This meeting was open to the public and any interested persons could attend. There were no comments made by either the council members or the public in attendance concerning the proposed changes to the NPRM.

10. One comment noted that there was an error in the preamble of the proposed rulemaking published on March 22, 1984. Specifically, the statement in the proposal that the Coast Guard consulted with NBSAC on the proposed amendments to 46 CFR 25.45 at its November 1983 meeting. It is correct that the issue was not discussed, but instead only mention was made of its forthcoming publication in the **Federal Register.** Accordingly, this proposed rulemaking was placed on the agenda of NBSAC for its meeting on May 14 & 15, 1985, in Harrisburg, Pa. Advance notice of this meeting and the agenda items were published in the **Federal Register** on April 18, 1985 (50 FR 15522). As stated above, there were no comments made after the presentation of this SNPRM at the meeting.

11. One comment requested a 30 day extension of the comment period which ended on May 22, 1984, so that there would be sufficient time to discuss the proposal with others in a boating association and obtain their opinions. Although no formal extension of time has been granted, any comments received up to the drafting of this SNPRM have been considered and included in this preamble. This person did subsequently submit the associations comments, and they are addressed herein.

12. One comment suggested requiring the fuel supply hose to be supported every 12 inches to reduce its vibration. Both NFPA and ABYC require the gas piping to be secured against vibration, but do not specify any interval. The reason for this is that the necessary interval will vary from vessel to vessel depending upon its configuration and that of the fuel supply system. Therefore, no interval for securing the fuel supply line has been specified in this SNPRM.

13. One comment recommended that water heaters and heating systems fueled by LPG and CNG also be allowed on passenger vessels. As was stated in the preamble of the initial proposed rule, the Coast Guard is limiting the use of LPG and CNG to cooking appliances because they are normally attended and most probably operated by a crew member who is familiar with their safe operation. This is not the case with water heaters and heating systems. They are both normally unattended, and heating systems additionally would likely be operated by passengers who may not be familiar with their safe operation. These systems present a much higher risk for an undetected gas leak than an attended cook stove, and this increased risk is not considered acceptable on a passenger vessel.

14. One comment expressed concern that these proposed rules may eventually be applied to recreational vessels. Currently, there are no rules for recreational vessels restricting the use of LPG and CNG, and the implementation of any such rules is not anticipated at this time.

15. Three comments recommended that the gas cylinders and regulators be housed in one piece compartments located above the waterline and vented overboard. As has been previously stated, the original proposed requirement to stow the gas cylinders and regulators in containers located above the weather deck has been removed because it only reiterated what is already in the industry standards. Also, this SNPRM accepts the ABYC and NFPA standards for cylinder and regulator stowage in a vapor tight housing or locker located above the waterline in an open cockpit in special circumstances. The reasons for not allowing cylinders to be stowed within a vessel have been stated in preceding paragraphs.

16. One comment recommended that a leak detecting system be required on a vessel if LPG were used as the cooking fuel. Since this is not required by NFPA or ABYC and casualty statistics do not appear to justify the need for such a system, this requirement has not been incorporated in this SNPRM. However, there is nothing that would preclude a vessel owner from installing a leak detector if desired.

17. One comment suggested that installation configurations be published as part of this rulemaking. This is not considered practical because of the unlimited number of possible configurations that could be used. Also, the Coast Guard feels that the NFPA and ABYC standards adequately describe the requirements for LPG and CNG system installations. Therefore, possible configurations for these systems are not included with this proposed rule.

18. One comment recommended that the Coast Guard inform insurance companies of these requirements because this would ensure enforcement of the regulations for gas cooking appliance installations. This is not considered possible because the Coast Guard cannot delegate its enforcement authority to the insurance companies. Also, the insurance industry should be well aware of any requirements published by the Coast Guard simply because of the regulatory process. Therefore, no attempt to specifically notify each insurance company is planned at this time. It should be noted, however, that there is nothing to preclude an insurance company or marine surveyor from informing the Coast Guard of any violations of the regulations observed on a vessel.

19. One comment suggested that standards should be added for fittings and fuel lines because these are the most probable sources of leaks. Although this may be true, the NFPA and ABYC standards address this. Also, industry standards have been developed which cover these items of equipment, and it is not considered necessary to repeat them in this proposal.

20. One comment recommended that routine inspections of vessels carrying more than six passengers should include an examination of the gas cooking system. This requirement is felt to be unnecessary because marine inspectors examine equipment and systems on vessels during their inspections and this would include gas cooking systems. Therefore, such a specific requirement has not been included.

21. One comment suggested allowing portable gas stoves which have the gas cylinder attached directly to them. A leak from such an appliance would allow gas to accumulate within the vessel adjacent to an ignition source. This presents an unacceptable risk on passenger vessels, and the Coast Guard is in agreement with both the NFPA and ABYC standards which prohibit portable gas stoves.

22. Two comments recommended that all pipe and wire penetrations be sealed gastight. Currently, regulations require all penetrations to meet the same tightness standards as the bulkheads or decks through which they pass, whether this be watertight, weathertight, or vaportight. It would serve no purpose to make a penetration vaportight (gastight) in a non-vaportight deck or bulkhead. Therefore, no additional requirement has been included in this proposal which would call for all pipe and wire penetrations to be vaportight.

23. One person stated that his vessel had an LPG cooking system installed in accordance with ABYC A–1 and it would be impractical to modify it to comply with the requirements of the initial proposal. Also, he did not think the safety of the system would be significantly improved by so doing. With the changes that have been made to this proposed rule from what was initially published, the system in question should be in compliance, with the exception of the remote shutoff valve, unless it has a pilot light or automatic glow plug. Removal of such a device and the installation of the remote shutoff valve would not be an extensive or costly modification.

24. One comment stated that a remote solenoid shutoff valve installed in a CNG gas line could cause an excessive pressure drop that would be sufficient to adversely affect the safety control system of a stove with an oven. This problem could be alleviated by either adjusting the regulator to compensate for any pressure drop through the solenoid valve, or by using a full port valve or one with a large enough orifice to cause a negligible pressure drop. Each system is different and the pressure losses will vary due to length of pipe, number of bends in the pipe, and other restrictions in the system. It is the designer's responsibility to address system pressure losses and to ensure an adequate supply of gas to the stove.

25. One comment recommended requiring a remote shutoff solenoid valve which is capable of stopping the flow of LPG when subjected to either overpressure or liquid carry-over. The reason given for this requirement was that on a moving vessel with an improperly overfilled cylinder or a poor cylinder installation, liquid could carry-over through the regulator and would flash into vapor at the stove burner at a much greater pressure than the cooking appliance was designed for. The result would be permanent damage to the

applicance controls and possible burn injuries to the stove operator.

The possibility of liquid carry-over is considered extremely unlikely and the Coast Guard has no information that this type of accident has in fact occurred on any vessel. ABYC A–1.5.b requires LPG cylinders to be of the vapor withdrawal type, and any cylinder designed or installed so as to admit liquid into the system is prohibited. Installations meeting the requirements of NFPA 302 must, in addition, comply with ABYC A–1.5.b. Regarding an overpressure condition, both ABYC and NFPA require a relief valve on the low pressure side of the regulator. For these reasons, it is not felt that a special purpose solenoid valve is necessary and a requirement for one has not been adopted.

26. Three comments stated that LPG and CNG are different gases, have different properties, and should therefore be addressed separately in regulations as is done by ABYC. The previous proposed rule, as with this proposal, only treats these gases similarly to the extent that ABYC does, with the exception of the cylinder stowage requirements for CNG. In reviewing ABYC A–1 and A–22, it is readily apparent that the vast majority of requirements are the same and in many places the wording is identical. Therefore, the Coast Guard does not feel that it has addressed these cooking fuels as being the same.

27. One comment stated that gas cylinders should not be stowed in metal lockers because of maintenance problems due to corrosion, the aesthetic appearance of such lockers, and the fact that many vessels already have lockers built into their hulls which were specifically designed for cylinder stowage. As was stated previously in paragraph 5, the initially proposed for lockers did not specify that they be metal.

List of Subjects

46 CFR Part 25

Marine safety, Vessels, Fishing vessels, Passenger vessels, Fire prevention, Hazardous materials transportation.

46 CFR Part 58

Marine safety, Vessels, Oil and gas exploration.

46 CFR Part 147

Marine safety, Arms and munitions, Hazardous materials transportation.

46 CFR Part 184

Marine safety, Passenger vessels, Navigation (water), Communication equipment.

In consideration of the foregoing, the Coast Guard proposes to amend Chapter 1 of Title 46 of the Code of Federal Regulations as set forth below.

PART 25—REQUIREMENTS

1. Subpart 25.45 would be revised to read as follows:

Subpart 25.45—Cooking, Heating, and Lighting Systems

Sec.

Authority: 46 U.S.C. 2104, 4102, 4104, 4105, 4302; 49 U.S.C. 1804(a); 49 CFR 1.46(b), 1.46(t).

Subpart 25.45—Cooking, Heating, and Lighting Systems

§ 25.45–1 Heating and lighting systems on vessels carrying passengers for hire.

(a) No fuel may be used in any heating or lighting system on any vessel carrying passengers for hire without approval of Commandant (G–MTH), except—

(1) Alcohol, solid,

(2) Alcohol, liquid, combustible,

(3) Fuel oil, No. 1, No. 2, or No. 3,

(4) Kerosene,

(5) Wood or,

(6) Coal.

(b) Heating and lighting systems using alcohol must meet the following requirements:

(1) Containers of solidified alcohol must be properly secured to a fixed base.

(2) Fluid alcohol burners, where wet priming is used, must have—

(i) A catch pan of not less than ¾" depth secured inside the frame of the stove; or

(ii) The metal protection under the stove flanged up at least ¾" to form a pan.

(c) Heating and lighting systems using kerosene or fuel oil must meet the following requirements:

(1) Where wet priming is used, each system must have—

(i) A catch pan of not less than ¾" depth secured inside the frame of the stove; or

(ii) The metal protection under the stove flanged up at least ¾" to form a pan.

(2) Fuel tanks must be—

(i) Separated from the stove that they serve;

(ii) Mounted in a location open to the atmosphere or mounted inside a compartment that is vented to the atmosphere; and

(iii) Fitted with an outside fill and vent.

§ 25.45–2 Cooking systems on vessels carrying passengers for hire.

(a) No fuel may be used in any cooking system on any vessel carrying passengers for hire without approval of Commandant (G–MTH) except those listed in § 25.45–1(a), subject to the requirements stated therein, liquefied petroleum gas (LPG), or compressed natural gas (CNG).

(b) Cooking systems using LPG or CNG must meet the following requirements:

(1) The design, installation, and testing of each LPG system must meet ABYC A–1–78 or Chapter 6 of NFPA 302.

(2) The design, installation, and testing of each CNG system must meet ABYC A–22–78 or Chapter 6 of NFPA 302.

(3) If Chapter 6 of NFPA 302 is used as the standard, then the following additional requirements must also be meet:

(i) LPG or CNG must be odorized in accordance with ABYC A–1.5.d or A–22.5.b, respectively.

(ii) Ovens must be equipped with a flame failure switch in accordance with ABYC A–1.10.b for LPG or A–22.10.b for CNG.

(iii) The marking and mounting of LPG cylinders must be in accordance with ABYC A–1.6.b.

(iv) LPG cylinders must be of the vapor withdrawal type as specified in ABYC A–1.5.b.

(4) If ABYC A–1 or A–22 is used as the standard for an LPG or CNG installation, then pilot lights or glow plugs are prohibited.

(5) If ABYC A–22 is used as the standard for a CNG installation, then the following additional requirements must also be met:

(i) The CNG cylinders, regulating equipment, and safety equipment must meet the installation, stowage, and testing requirements specified in paragraphs 6–5.11.1, 2, 3; 6–5.11.5; and 6–5.11.8 of NFPA 302.

(ii) The use or stowage of stoves with attached cylinders is prohibited as specified in paragraph 6–5.1 of NFPA 302.

(6) If the fuel supply line of an LPG or CNG system enters an enclosed space on the vessel, a remote shut-off valve must be installed that can be operated from a position adjacent to the appliance. The valve must be located between the regulator and the point where the fuel supply line enters the

enclosed portion of the vessel. A power operated valve installed to meet this requirement must be of a type that will fail closed.

(c) In accordance with 5 U.S.C. 552(a), the following standards of the American Boat and Yacht Council, Inc. (ABYC), P.O. Box 806, Amityville, NY, 11701, (516) 598–0050, are incorporated by reference:

(1) Standard A–1–78, "Marine LPG—Liquefied Petroleum Gas Systems" dated December 15, 1978.

(2) Standard A–22–78, "Marine CNG—Compressed Natural Gas Systems" dated December 15, 1978.

(d) In accordance with 5 U.S.C. 552(a), Chapter 6 of Standard 302 "Pleasure and Commercial Motor Craft" dated 1984 of the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, MA, 02269, (617) 770–3000, is incorporated by reference.

PART 58—MAIN AND AUXILIARY MACHINERY AND RELATED SYSTEMS

3. The authority citation for Part 58 continues to read as follows:

Authority: 46 U.S.C. 3306, 3703; 49 CFR 1.46(b).

4. By revising § 58.16–1(a) to read as follows:

§ 58.16–1 Scope.

(a) This subpart prescribes standards for the use of liquefied petroleum gas for heating and cooking on inspected vessels, except ferries.

* * * * *

5. By adding a new § 58.16–7 to read as follows:

§ 58.16–7 Use of liquefied petroleum gas.

(a) Cooking equipment using liquefied petroleum gas on vessels of 100 gross tons or more that carry passengers for hire must meet the requirements of this subpart.

(b) Cooking equipment using liquefied petroleum gas on vessels of less than 100 gross tons that carry passengers must meet the requirements of 46 CFR 24.45–2 or 184.05, as applicable.

(c) Systems using liquefied petroleum gas for cooking or heating on any other vessels subject to inspection by the Coast Guard must meet the requirements of this subpart.

PART 147—REGULATIONS GOVERNING USE OF DANGEROUS ARTICLES AS SHIPS' STORES AND SUPPLIES ON BOARD VESSELS

6. The authority citation for Part 147 would be revised to read as follows:

Authority: 46 U.S.C. 2104, 3306; 49 U.S.C. 1804(a); 49 CFR 1.46(b), 1.46(t).

§ 147.05–100 [Amended]

7. In § 147.05–100, amend Table S—Classification: Ships' Stores and Supplies of a Dangerous Nature by revising the entry under "Fuel for heating, cooking, lighting" for "Liquefied or non-liquefied gas" to read as follows:

TABLE S.—CLASSIFICATION: SHIPS' STORES AND SUPPLIES OF A DANGEROUS NATURE

Descriptive name of article	Characteristic properties, precautions required, markings required	Label required	Required conditions for transportation			
			Cargo vessel	Passenger vessel	Ferry vessel, passenger or vehicle	R R car ferry, passenger or vehicle
* * *	* * *	* * *	* * *	* * *	* * *	
Fuel for heating, cooking, lighting.						
Liquefied non-liquefied gas.	Systems using a liquefied or a nonliquefied gas, including regulating and safety equipment, exclusive of the cylinder, must be of a design approved by the Commandant of the Coast Guard for such use. Vapors from petroleum gases are heavier than air and with air form explosive mixtures over wide ranges. Acetylene, methane and coal gas are lighter than air.	Flammable gas label required on cylinders.	Prohibited except as provided for in subpart 58.16. Cylinders must be DOT specification containers. The cylinders must bear a test date marking indicating test within the preceding 5 years. Cylinders must be located in a locker or housing on or above the weather deck in such a position that any escaping vapor cannot reach living quarters or enclosed compartments on board the vessel. Lockers or housings must be vented to the open air near the bottom for gases evolving vapors heavier than air and near the top of the enclosure for gases evolving vapors ligher than air. Cylinders must be protected from climatic extremes.	Prohibited except for cooking subject to the requirements of §§ 25.45–2, 58.16 and 184.05–1 of this chapter. Cylinders must be DOT specification containers. The cylinders must bear a test date marking indicating test within the preceding 5 years. Cylinders, except as otherwise provided in this chapter, must be located in a locker or housing on or above the weather deck in such a position that any escaping vapor cannot reach living quarters or enclosed compartments on board the vessel. Lockers or housings must be vented to the open air near the bottom for gases evolving vapors heavier than air and near the top of the enclosure for gases evolving vapors lighter than air. Cylinders must be protected from climatic extremes.	Not permitted.....	Not permitted.
* * *	* * *	* * *	* * *	* * *	* * *	

PART 184—VESSEL CONTROL AND MISCELLANEOUS SYSTEMS AND EQUIPMENT

8. The authority citation for Part 184 would be revised to read as follows:

Authority: 46 U.S.C. 2104, 3306; 49 U.S.C. 1804(a); 49 CFR 1.46(b), 1.46(t).

9. In § 184.05–1 by revising paragraph (b) and adding paragraphs (d), (e), and (f) to read as follows:

§ 184.05–1 Restrictions.

* * * * *

(b) Except as provided by paragraph (d) of this section, the carriage or use of liquefied or non-liquefied gases and certain flammable liquids as ships' stores is prohibited by Part 147 of this chapter.

* * * * *

(d) Cooking systems using liquefied petroleum gas (LPG) and compressed natural gas (CNG) must meet the following requirements:

(1) The design, installation and testing of each LPG system must meet ABYC A–1–78 or Chapter 6 of NFPA 302.

(2) The design, installation and testing of each CNG system must meet ABYC A–22–78 or Chapter 6 of NFPA 302.

(3) If Chapter 6 of NFPA 302 is used as the standard, then the following

additional requirements must also be met:

(i) LPG or CNG must be odorized in accordance with ABYC A–1.5.d or A–22.5.b, respectively.

(ii) Ovens must be equipped with a flame failure switch in accordance with ABYC A–1.10.b for LPG or A–22.10.b for CNG.

(iii) The marking and mounting of LPG cylinders must be in accordance with ABYC A–1.6.b.

(iv) LPG cylinders must be of the vapor withdrawal type as specified in ABYC A–1.5.b.

(4) If ABYC A–1 or A–22 is used as the standard for an LPG or CNG installation, then pilot lights or glow plugs are prohibited.

(5) If ABYC A–22 is used as the standard for a CNG installation, then the following additional requirements must also be met:

(i) The CNG cylinders, regulating equipment, and safety equipment must meet the installation, stowage, and testing requirements of paragraphs 6–5.11.1, 2, 3; 6–5.11.5; and 6–5.11.8 of NFPA 302.

(ii) The use or stowage of stoves with attached cylinders is prohibited as specified in paragraph 6–5.1 of NFPA 302.

(6) If the fuel supply line of an LPG or CNG system enters an enclosed space on the vessel, a remote shut-off valve must be installed which can be operated from a position adjacent to the appliance. The valve must be located between the regulator and the point where the fuel supply line enters the enclosed portion of the vessel. A power operated valve installed to meet this requirement must be of a type that will fail closed.

(e) In accordance with 5 U.S.C. 552(a), the following standards of the American Boat and Yacht Council, Inc. (ABYC), P.O. Box 806, Amityville, NY 11701, (516) 598–0050, are incorporated by reference:

(1) Standard A–1–78, "Marine LPG—Liquefied Petroleum Gas Systems" dated December 15, 1978.

(2) Standard A–22–78, "Marine CNG—Compressed Natural Gas Systems" dated December 15, 1978.

(f) In accordance with 5 U.S.C. 552(a), Chapter 6 of Standard 302 "Pleasure and Commercial Motor Craft" dated 1984 of the National Fire Protection Association (NFPA), Batterymarch Park, Quincy, MA 02269, (617) 770–3000 is incorporated by reference.

Dated: January 21, 1986.

J.W. Kime,

Rear Admiral (Lower Half), U.S. Coast Guard Chief, Office of Merchant Marine Safety.

[FR Doc. 86–2633 Filed 2–5–86; 8:45 am]

BILLING CODE 4910–14–M

Maritime Administration

46 CFR Part 282

[Docket No. R–103]

General Procedures for Determining Operating-Differential Subsidy for Liner Vessels

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Notice of Proposed Rulemaking.

SUMMARY: The Maritime Administration (MARAD) proposes to establish regulations governing the calculation and payment of daily operating-differential subsidy (ODS) for liner vessels engaged in essential services in the foreign commerce of the United States. The present system governing ODS payments requires extensive audit of expenses of operators, resulting in delayed ODS payments. The proposed regulations provide for the payment of ODS as a fixed and final daily amount that includes all items of expense authorized for ODA participation by the respective ODS agreements (ODSA) currently in force.

DATE: Comments must be received on or before April 7, 1986.

ADDRESS: Send original and two copies of comments to the Secretary, Maritime Administration, Room 7300, Department of Transportation, 400 Seventh Street, S.W., Washington, D.C. 20590. To expedite review of the comments, the Agency requests, but does not require, submission of an additional ten (10) copies of the comments. All comments will be made available for inspection during normal business hours at this address. Commenters wishing MARAD to acknowledge receipt should enclose a self-addressed and stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Arthur B. Sforza, Director, Office of Ship Operating Costs, Maritime Administration, Washington, D.C. 20590, Tel. (202) 382–6036.

SUPPLEMENTARY INFORMATION: Sections 603 and 606 of the Merchant Marine Act, 1936, (Act) as amended (46 U.S.C. § 1173, 1176) contain the statutory requirements for the determination of ODS rates and the payment of ODS. The Act is quite specific in prescribing the methods for determining wage rates, but provides no guidance on the methods for determining wage rates, but provides no guidance on the methods for determining rates for other subsidizable expenses, i.e., maintenance and repairs (M&R), hull and machinery insurance premiums (H&M) and protection and indemnity insurance premiums and deductibles (P&I). ODS rates for wages are determined and paid for fiscal periods, while ODS rates for the other expenses are determined and paid for calendar periods. In administering 46 U.S.C. § 1173 and 1176, MARAD bases ODS payments on estimated expenses accrued by the operators. The Act does not require the operator to pay expenses before receiving ODS payments from MARAD.

MARAD has issued the Manual of General Procedures for Determining Operating-Differential Subsidy (Manual) to implement its statutory authority for determining ODS for liner vessels. This Manual contains procedures that now govern the determination of ODS rates and payment of ODS. These proposed regulations would incorporate those procedures and revise the current system for ODS rate determinations and, if finalized, would replace the Manual.

Foreign-flag competition for liner vessels is now determined in accordance with the provisions of the Manual of General Procedures for Determining Substantiality and Extent of Foreign Flag Competition (Competition Manual). MARAD uses the foreign-flag competition as a basis for calculating the cost differential between foreign-flag and U.S. vessels, and bases the ODS rate on this cost differential. Payment of ODS is based on the U.S.-foreign cost differential which shall be the excess of an operator's cost over the principal foreign-flag competitor's cost. These proposed regulations include amended procedures for determining foreign competition and, if finalized, would also replace the Competition Manual.

The current system includes two methods for payment of ODS, i.e., a daily rate for wages and a reimbursement method, based on a percentage differential applied to eligible expenses, for other subsidizable items. It is a system which requires that MARAD audit the actual expenses of the operators. Further, under existing procedures, the finalization of U.S. and foreign cost differentials and the concomitant final payment of ODS cannot be accomplished until two to two and one-half years after the close of the subsidized year.

In 1981, the Comptroller General of the United States completed an audit of the system for ODS as previously described. The GAO audit report of November 30, 1981 (CED–82–2), urged MARAD to expedite ODS payments and concluded, in part:

> The U.S. Government owes subsidized operators millions of dollars. Subsidy payments are delayed due to an extensive and time-consuming process used to compute final . . . subsidy rates. This process, which currently delays final payments by an average of 3 years, precludes these operators from timely receipt of monies due them and hurts their cash management capability.

The GAO report added that MARAD should take steps to provide for payment of accrued ODS owed to operators for prior years and to provide for more timely payment of future subsidy. The Office of the Secretary, Department of Transportation, concurred with the GAO's conclusions and recommendations.

In response to the GAO report and to improve current procedures for ODS rate determinations and timely payment, MARAD has developed a proposed system which would pay ODS as a fixed and final daily amount which includes all items of subsidizable expense. The new system would permit the operators to establish conclusively the amounts of ODS receivable at the time they prepared financial statements and tax filings, and when making decisions on dividends.

The receipt of ODS at the time it is earned would greatly improve cash flow. Overall, the proposed system would place the ODS receipts of the operators and the obligations of the government on a current basis. The following discussions outlines how the proposed system would work and the changes necessitated in the current system as a result.

The Proposed System

General

Under the proposed system, every six months, commencing retroactively July 1, 1984, MARAD would establish a daily ODS rate inclusive of all subsidizable expenses. The daily rate would include a component for wages and another for non-wage subsidy items. In accordance with the Act, the wage component would be calculated each year for the fiscal period July 1 through June 30, and the non-wage component would be determined on a calendar year basis. Accordingly, the year would be divided into two periods: July 1 through December 31 and January 1 through June 30. Each year, MARAD would determine ODS wage amounts applicable to the period commencing July 1. The wage rates would reflect the most recent collective bargaining adjustments, normally effective June 16 each year. The annual ODS determinations for all other subsidized items of expense would be applicable to the period commencing January 1.

46 U.S.C. 1173 prescribes a formula for determining daily ODS for wages, applicable to the fiscal period July 1 through June 30. Since the formula requires the use of data not available until March each year, it will be necessary to wait until such data are available to establish the final wage portion of the daily ODS rate. In order to accomplish the objective of establishing final ODS by the end of the calendar year, it will be necessary for MARAD to approve final daily ODS wage amounts for the first six months of the fiscal period. Adjustments can be made for any inaccuracies in those determinations during the second half of the fiscal period when complete information is available. They would be made as lump sum adjustments or as adjustments to the ODS daily amounts. Such adjustments are expected to be small and would protect both parties from any error in the ODS rate determinations for the first half of the year. This procedure would assure prompt finalization of ODS accounts. Because of the adjustments which would be made in the second half of the fiscal period, there would not be any retroactive adjustments of the daily ODS rate for the first six months. Further, MARAD does not anticipate that it will be necessary to make retroactive adjustments for more than four months in the second half of the period. Under the current system, MARAD has demonstrated high accuracy in estimating tentative ODS rates each year, averaging within five percent of the final rates. By changing the current system as discussed below, MARAD's accuracy should be improved significantly. We estimate that the margin of error would be less than two percent, so the adjustment during the second six-month period would be small.

ODS Rate Determinations

ODS rate determinations under the proposed system would conform to the existing method establishing rate differentials, as set forth in the existing Manual, except for a reduction in the amount of data required for submission and the use of regression techniques to determine rates. The specific changes in procedure are discussed below.

I. Foreign-Flag Competition

Currently, MARAD bases its determination of foreign-flag competition for ODS rate-making purposes as of January 1 of the subsidized year. Under the proposed system, competition data available as of January 1 of the preceding year would be used. The use of this older competition data would still provide MARAD with reasonably accurate competition data and would permit accelerated ODS rate calculations, since this data would be available at a much earlier time. As previously noted, the Competition Manual has been incorporated in these regulations. Changes in the competition procedures include:

1. The use of countries actually called on to determine competition rather than only ports "required" to be served under the ODSA; and
2. The use of all flags aggregating 50% of foreign carriage, rather than 60%, to determine competition.

These changes will result in more accurate determinations of foreign-flag competition, and the elimination of two to four foreign flags considered in ODS rate calculations.

II. Foreign Exchange Rates

Under the current system, the exchange rates prevailing at the end of each month are averaged for the entire subsidized year and are used for rate calculation purposes. The proposed system would use the average of the end month exchange rates for the first seven months of the fiscal period commencing July 1, unless there is a substantial and consistent change in exchange rates in one direction during the period. In this case, the end of period (January 31) exchange rates would be used. The reduction from twelve months to seven months of exchange rates used in ODS rate determinations would still provide a sound data sample and would permit earlier ODS rate calculations.

Wages

In current rate calculations, the subsidized operator's variable cost experience for the entire calendar year preceding January 1 of the subsidized fiscal year is used. The proposed system would use only the first nine months of the preceding year. This change would permit earlier calculation of wage rates and at the same time, require a smaller but fully acceptable sample of data.

At the present time, the actual wage costs for crew members who remain aboard subsidized vessels during idle status periods are subsidized as unpredictable timed costs (costs that are

not regularly incurred). As a result, these costs require audit. Under the new procedures, a man-day reduction amount, calculated separately for officers and unlicensed crew members, shall be used to reduce the daily wage ODS rate to conform to the complement remaining on the vessel. The man-day reduction amounts shall be determined by dividing the daily wage ODS for officers and unlicensed crew members by the number of subsidized crew members in each category. For each day of a reduced crew preiod, the man-day amount shall be multiplied by the number of crew members missing for that day, and the resulting product shall be deducted from the daily ODS rate. The difference shall be the ODS payable for such day.

Operators now bill unpredictably timed expenses for ODS purposes by using differential rates expressed as a percentage, which are derived from the ODS rate calculations for wages under the index system, contained in 46 U.S.C. 1173(b). Under the proposed system, unpredictably timed expenses would be included as a daily increment in the total daily ODS rate. This would convert subsidy payment for unpredictably timed expenses to a daily rate or lump sum payment, and would reduce audits required for such expenses.

Non-wage Items—General

ODS for M&R, H&M and P&I premiums is paid on the basis of a differential expressed as a percentage which is applied to actual expenses. For P&I deductibles, ODS is the dollar difference between the deductible absorptions (claim costs absorbed by the company) of the U.S. operator and the deeductable absorptions of the foreign competitor. Due to the unavailability of data, there is currently a two-year lag in the calculation of final rates which necessitates adjustment of subsidy when final rates are calculated.

Under the proposed system, ODS for non-wage items would be an agreed upon daily amount which would be established early in the calendar year. All information necessary to determine the final daily amounts would be available at that time, so no subsequent adjustment would be necessary. The procedural changes are described below for each item.

M&R

Under the proposed system, MARAD would determine the subsidizable daily costs for M&R by trade route, based on a three-year historical relationship of ODS for M&R to ODS for wages. The latest U.S./foreign percentage differentials applicable to the three-year period, determined in accordance with existing procedures, would be applied to the subsidizable costs to derive a daily ODS amount for M&R. The ODS for M&R would be established as a percentage of wage ODS for the three-year period and applied to the daily wage ODS for the current subsidizable year, for each vessel type, on each trade route, to derive a daily ODS rate for M&R. Historical M&R expenses would be audited to assure accuracy of data.

H&M & P&I Premiums

Under the proposed system, MARAD would determine subsidizable daily costs for the subsidized calendar year from actual premium costs submitted by the operators for that year. The latest U.S./foreign percentage differential available, calculated in accordance with existing procedures, would be applied to such costs to determine a daily ODS amount for H&M and P&I premiums. Use of historical U.S./foreign percentage differentials would permit significantly earlier calculations of daily ODS amounts.

P&I Deductibles

Under the proposed system, MARAD would determine ODS for P&I deductibles on the basis of the historical relationship of P&I deductible ODS to wage ODS for a three-year period. Further, since the P&I deductible absorptions of the operators for crew claims are primarily wage related, the P&I deductible ODS would now be determined by applying the wage percentage differential, established in the ODS calculation, for wages for the three-year period to eligible deductible expenses for the same three-year period. The ODS for P&I deductibles would be established as a percentage of wage ODS for the three-year period. The percentage would be applied to the daily wage ODS calculated for the subsidized year to derive a daily ODS rate for P&I deductibles. These changes would permit much earlier calculation of subsidy for P&I deductibles and would eliminate the need for schedules of foreign deductibles. MARAD would audit historical P&I deductible expenses to assure accuracy of data.

Other Matters

Although authorized by the Act, no operating-differential subsidy is currently contractually payable for subsistence of officers and crews on passenger vessels, as defined in Section 613 of the Act. These regulations, therefore, include no procedures for ODS rate determinations on this item.

E.O. 12291, Statutory and DOT Requirements

The Acting Maritime Administrator has determined that this proposed rulemaking is not major, as defined in E.O. 12291, and is significant under DOT regulatory policies and procedures due to considerable public interest (49 FR 11034; Feburary 26, 1979). This rulemaking would place the ODS receipts of the operators and the obligations of the Government on a current basis, with no appreciable overall change in such receipts and obligations. Since it would only facilitate the payment of final ODS amounts in a more timely manner, the economic impact of this proposal has been found to be minimal and further evaluation is unnecessary. However, MARAD specifically requests comments on the industry's views with respect to the economic impact of this proposal and will prepare a regulatory evaluation, if necessary. If MARAD does believe it necessary to prepare a Regulatory Evaluation, it expects no appreciable change in receipts or obligations and, thus, no appreciable cost associated with the rule. The major benefit is one of improving the timeliness of ODS payments.

Since this proposal would affect principally ship operators with substantial annual revenues, the Acting Maritime Administrator certifies that, if finalized, this rulemaking would not exert a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*). It does not include new information collection requirements, but maintains existing information requirements which have been approved by OMB under control numbers 2133–0004 and 2133–0024, pursuant to the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*).

List of Subjects in 46 CFR Part 282

Liner cargo vessels, the ODS program, and water transportation.

Accordingly, it is proposed that a new Part 282 be added to the Code of Federal Regulations, Title 46, to read as follows:

PART 282—OPERATING-DIFFERENTIAL SUBSIDY FOR LINER VESSELS ENGAGED IN ESSENTIAL SERVICES IN THE FOREIGN COMMERCE OF THE UNITED STATES

Subpart A—Introduction

Sec.

Authority: Secs. 204(b), 603, 606, Merchant Marine Act 1936, as amended (46 U.S.C. § 1114(b), 1173, 1176), 49 CFR § 1.66.

Subpart A—Introduction

§ 282.1 Purpose.

This part prescribes regulations implementing Title VI of the Merchant Marine Act, 1936, as amended (46 U.S.C. § 1171–1176 and 1178–1181) governing operating-differential subsidy for liner vessels engaged in essential services in the foreign commerce of the United States.

§ 282.2 Definitions.

When used in this part:

(a) Act means the Merchant Marine Act, 1936, as amended (46 U.S.C. 1101–1294).

(b) Board means the Maritime Subsidy Board of the Maritime Administration (MARAD).

(c) Contracting Officer means the Associate Administrator for Maritime Aids.

(d) Fiscal Period means any annual period beginning on July 1 and ending on June 30.

(e) Foreign-flag competition means those foreign-flag vessels deemed by the Board to be competitive with the subsidized vessel.

(f) Maritime Administrator means the Maritime Administrator, Maritime Administration of the Department of Transportation.

(g) Operating day means any day or part of a day during which a subsidized vessel is oparated in accordance with the terms and conditions of an operating-differential subsidy agreement.

(h) Operating-differential subsidy (ODS) means, except as the operator and the United States Government should agree upon a lesser amount, the excess of cost of subsidizable items of expense incurred in the operation under United States registry of a vessel over the estimated fair and reasonable cost of the same items of expense (excluding any increase in the cost of such items necessitated by features incorporated for national defense), if such vessel were operated under the registry of a foreign country whose vessels are substantial competitors of the vessel.

(i) Operating-differential subsidy agreement (ODSA) means the agreement entered into by the operator and the United States Government for the payment of operating-differential subsidy.

(j) ODS rate means the method adopted by the Board for determining the amount of ODS that is to be paid for an item of subsidizable expense.

(k) Operator means any individual, partnership, corporation or association that contracts with the United States Government under Title VI of the Act to receive ODS.

(l) Reduced crew period means a period in port between or during voyages when the subsidized vessel's approved crew complement is reduced by 10 percent or more and division of wages (wages of an absent seaman are divided among the seamen who provide the absent seaman's work) is not paid for the missiong men.

(m) Region Director means the Region Director of the Maritime Administration within whose region the principal office of the operator is located.

(n) Subsidized service means the operation of a vessel, other than in the coastal or intercoastal trade, in accordance with the terms and conditions of the ODSA.

(o) Subsidized vessel means a vessel covered by an ODSA.

(p) U.S. foreign commerce means the commerce or trade between the United States, its territories or possessions, or the District of Columbia and a foreign country.

(q) Vessel means subsidized vessel, unless otherwise specified.

§ 282.3 Waivers.

In special circumstances and for good cause shown, the procedures prescribed in this Part may be waived in writing, by mutual agreement of the parties, in keeping with the circumstances then present, so long as the procedures adopted are consistent with the Act and with the intent of these regulations.

Subpart B—Foreign-Flag Competition

§ 282.10 Basis for determining foreign-flag competition.

The foreign-flag competition shall form the basis for determining the cost disadvantage of operating the subsidized vessels in the essential service. The Board shall determine the foreign-flag competition from those countries that have carried a significant amount of cargo inm the service by using the following procedures:

(a) The primary source of information shall be commodity import/export data compiled by the Bureau of the Census. Cargo data shall be compiled in long tons. Trade publications which show advertised sailings shall be used to verify the liner services offered by foreign-flag operators.

(b) The U.S. import/export data shall be compiled by reference to countries actually served by the the subsidized operator, using the subsidized operator's own competition data for each country to eliminate the flags which are not substantial competitors with the subsidized vessels. An example of the weighing procedure follows:

Examples

I. DETERMINATION OF U.S.-FLAG WEIGHTS

	Country A	Country B	Country C	Total
U.S. subsidized carrier	300	500	200	1,00
Percent	30	50	20	100

II. ACTUAL FOREIGN-FLAG CARRYINGS

	Country A	Country B	Country C	Total
Flag 1	1,500	500	1,000	3,000
Flag 2	4,000	6,000	0	10,000
Flag 3	5,000	2,000	5,000	12,000

III. ADJUSTED FOREIGN-FLAG CARRYINGS (ACTUAL FOREIGN X U.S. WTS)

	Country A	Country B	Country C	Total
Flag 1	450	250	200	900
Flag 2	1,200	3,000	0	4,200
Flag 3	1,500	1,000	1,000	3,500
Total				8,600

IV. COMPETITION COMPUTATION

		Actual percent	Re-weight (percent)
Flag 2	4200/8600	49.0	55.0
Flag 3	3500/8600	41.0	45.0
Total		90.0	100.0

(c) The principal foreign flags shall be those countries whose cargo carrying would rank the flag among those carriers that aggregate at least 50 percent of the total foreign-flag carryings.

(d) The cargo carryings of each principal foreign flags shall be expressed as a percentage of total cargo carryings of all principal flags on the service. The resultant ratio shall be applied to the costs of that principal flag for determining its portion of the

composite foreign cost, which shall be used for establishing the cost disadvantage of U.S. vessels in the service.

(e) The determination of the principal competitors and competition weight factors shall be based upon the import/export data from the year preceding January 1 of the subsidized year to allow several months to collect foreign cost data.

§ 282.11 Ranking of Flags.

The operators under each principal foreign flag shall be ranked as predominant, secondary, etc., for the purpose of establishing the priority of costs which are representative of the flag. For liner cargo vessels, the ranking of operators shall be based on the long tons of cargo carried.

(a) If the predominant operator is an agent, charterer or a joint venture in which the vessels are owned by two or more lines, under the name of such agent, charterer or joint venture, the predominant operator shall be the owner whose vessels carried the most cargo.

(b) If cost experience cannot be obtained for the foreign-flag operators in the subsidized service, MARAD may use the costs of another service, following the same ranking of operators, if possible.

Subpart C—Calculation of Subsidy Rates

§ 282.20 Amount of subsidy payable.

(a) *Daily Rates.* Daily ODS rates shall be used to quantify the amount of ODS payable. The daily ODS rate represents the cost differential between the subsidized vessels and its foreign-flag competition. A daily rate shall be calculated for each subsidized item of expense identified in the ODSA, and the total of all items is the daily amount of ODS payable for approved vessel operating days, excluding reduced crew periods.

(b) *Reduced Crew Periods.* For reduced crew periods, as defined in § 282.3 of this part, a man-day reduction amount, calculated separately for officers and unlicensed crew members, shall be used to reduce the daily wage ODS rate to conform to the complement remaining on the vessel. The man-day reduction amounts shall be determined by dividing the daily wage ODS for officers and unlicensed crew members by the number of subsidizable crew members in each category. For each day of a reduced crew period, the man-day amount shall be multiplied by the number of crew members missing for that day, and the resulting product shall be deducted from the daily ODS rate. The difference shall be the ODS payable for such day.

(c) *Review of Rates.* Daily subsidy rates shall be reviewed every six months. For the item "wages of officers and crews," the daily rate shall be calculated for fiscal periods July 1 through June 30, in accordance with provisions of the Act. During the period January through June, adjustments—paid as a lump sum or all a daily amount—shall be made to wage ODS so that the correct amount of ODS for the full fiscal period is received by the operator. For other subsidizable items of expense, the daily rate shall be calculated for calendar years.

(d) *Negative Rates.* When an ODS rate in any catetory is less than zero, indicating that the subsidized operator is at an advantage rather than a disadvantage in such category, the negative rate shall be deducted from positive rates in determining the daily ODS amount payable.

(e) *Operator Comments.* The operator shall have the opportunity to comment on each subsidy rate as calculated by the Maritime Administration. The operator and contracting officer shall make every effort to resolve disagreements that arise. In the event of a disagreement that cannot be resolved, comments received from the operator and the contracting officer's recommendation shall be presented to the Board for its consideration in determining subsidy rates.

§ 282.21 Wages of officers and crews.

(a) *Definitions.* When used in this part:

(1) *Base period.* The first base period under the wage index system, as provided in section 603 of the Act, is the period beginning July 1, 1970 and ending June 30, 1971. Thereafter, base period means any annual period beginning July 1 and ending June 30, with respect to which the Board establishes a base period cost. At intervals of not less than two years, nor more than four years, the Maritime Subsidy Board shall establish a new base period. Base periods shall be announced by the Board prior to the December 31 date that would be included in the new base period.

(2) *Base period cost.*—(i) *Initial base period.* For the initial base period of subsidized service, the term "base period cost" means the collective bargaining cost as of January 1 of that base period.

(ii) *Subsequent base periods.* For base periods subsequent to the initial base period, the term "base period cost" means the average of the collective bargaining cost as of January 1 of such fiscal year, and the base period cost of the previous base period, indexed to January 1 of the new base period by an index complied by the Bureau of Labor Statistics. This index shall consist of the average annual change in wages and benefits placed into effect for employees covered by collective bargaining agreements, with equal weight to be given to changes affecting employees in the transportation industry (excluding the off-shore maritime industry) and to change affecting employees in private non-agricultural industries other than transportation. However, such base period cost shall not be less than a minimum, nor more than a maximum amount, determined as a percentage of the collective bargaining cost computed for January 1 of such base period in accordance with the following schedule:

	Minimum (percent)	Maximum (percent)
Base period following a:		
2 year cycle	97½	102½
3 year cycle	96¼	103¾
4 year cycle	95	105

(3) *Collective bargaining cost (CBC)* means the annual cost, calculated on the basis of the per diem rate of expense, as of January 1 of the annual fiscal periods July 1 through June 30, of all items of expense required by the operator through a collective bargaining or other agreement, covering the employment of the approved manning complement of the subsidized vessel, including payments required by law to assure old-age pensions, unemployment benefits or similar benefits, and taxes or other governmental assessments on crew payrolls.

(4) *Approved manning complement* means the complement approved by the Board for subsidy.

(5) *U.S. wage cost (WC)* means the annual cost, calculated on the basis of the per diem rate of expense as of January 1 of the annual fiscal periods July 1 through June 30, of all items of expense required of the operator through a collective bargaining or other agreement, covering the employment of the normal manning complement of the subsidized vessel, including payments required by law to assure old-age pensions, unemployment benefits or similar benefits, and taxes or other governmental assessments on crew payrolls.

(6) *Normal manning complement* means the crew complement established by a collective bargaining or other agreement with the officers and unlicensed crew of the vessel. In cases where the complement may vary in

number, the lowest number shall be the normal manning complement. When ratings of different salaries are in the same job during the year, the base wages of the rating carried most of the time shall be used.

(7) *Subsidizable wage cost* means, (i) with respect to a base period, the base period cost, and (ii) in any fiscal period other than a base period, the most recent base period cost, increased or decreased by the change from January 1 of the base period to January 1 of the non-base period. The subsidizable wage cost shall not be less than 90 percent nor greater than 110 percent of the collective bargaining cost as of January 1 of such period.

(3) *Unpredictably timed costs* are collective bargaining costs that are not regularly incurred. Example of unpredictably timed costs are such costs as severance pay, shortfalls, special assessments, and war zone bonuses.

(b) *Method of calculating collective bargaining cost (CBC).* CBC shall be determined by pricing out, for the approved crew complement, the per diem total of fixed costs specified in the collective bargaining agreement and adding a per diem total of variable costs obtained from the cost experience of the subsidized vessel during the first nine months of the preceding calendar year.

(1) *Fixed Costs.* The per diem total of fixed costs shall include all costs that are stated in specific or determinable amounts per time period and, based on operating experience, do not vary. In cases where a monthly amount is specified in the agreement, the per diem amount shall be determined by dividing the monthly amount by 30. When a daily amount is specified it shall be used. Example of fixed costs are:

(i) Base wages;

(ii) Non-watch pay;

(iii) Vacation pay (including contributions to vacation funds);

(iv) Tool allowance;

(v) Clothing and uniform allowances; and

(vi) Per diem contributions for pension, training, welfare, unemployment, including unallocated contributions placed in escrow.

(2) *Variable costs.* Variable costs are regularly incurred employment costs which vary with ship operating experience. The per diem aggregate of variable costs as of January 1 shall be determined by applying a ratio to the per diem aggregate of base wage costs as of Janury 1, the numerator of which shall be the total of variable costs for the first nine months of the preceding calendar year and the denominator of which shall be the total of base wage costs for the first nine months of the preceding calendar year. Variable costs include but are not limited to:

(i) Payroll taxes (including social security taxes);

(ii) Overtime and penalty pay;

(iii) Variable pension, training, welfare, unemployment, and vacation costs;

(iv) Pay in lieu of time off;

(v) Transportation and travel allowances;

(vi) Payments to relief officers and crews;

(vii) Wages and other expenses of USMMA cadets and extra messmen;

(viii) Board and lodging allowances;

(ix) Overlap in wages (a maximum of two days); and

(x) Penalty cargo bonuses.

(c) *Method of calculating U.S. wage costs (WC)* Two different calculations of WC are necessary—a per diem amount for every ship type on the service and a per month amount for the predominant ship type (most voyages on the service). The purpose of the per month calculation is to make a comparison with the monthly foreign wage costs. The relationship of WC to foreign costs for the predominant ship is applied to the per diem WC for other ship types in the service to estimate comparable foreign costs for them.

(1) *Calculation of per diem WC.* The per diem WC shall be calculated by the same method that applies to CBC, except that the normal manning complement shall be used.

(2) *Calculation of per month WC.* The costs and manning level used in this calculation shall be the same as those used for the per diem WC.

(d) *Data submission requirements.* For purpose of calculating CBC and WC the operator shall each year submit Form MA–790 and, as appropriate, current copies of all collective bargaining or other agreements, memoranda of understanding, and arbitration awards, which specify the fixed costs as of January 1. Schedule A of Form MA–790, which covers wage costs on voyages terminated during the first nine months of the previous calendar year, shall be submitted by December 31. Schedule B of Form MA–790—normal manning complement, rates of pay, and contributions in effect on January 1 of the current year—shall be submitted by Janury 31. Form MA–790, Schedule A and B, shall be submitted to the Director, Office of Ship Operating Costs, Maritime Administration, 400 Seventh Street, S.W., Washington, D.C. 20590.

(e) *Example Calculation.* The following is a sample of calculation of CBC and WC:

ABC Steamship Company.—January 1, 1985, Collective Bargaining Costs (CBC) and U.S. Wage Cost, (WC)

Crew complement	Per diem	
	WC: 35[1]	CBC: 31[2]
Fixed Costs as of Jan. 1, 1985		
Base wages and non-watch pay	$1,789.79	$1,571.60
Allowance (radio, telephone, clothing, etc.)	5.75	5.75
Vacation pay	1,189.60	1,109.65
Pension, welfare, training unemployment fund contributions	1,280.80	1,171.75
Total fixed	4,265.94	3,858.75
Variable Costs as of Jan. 1, 1985		
Variable cost factor (based on 1984 cost experience) (percent)	104.69	104.69
Total variable costs (Jan. 1, 1985 base wages x variable cost factor)	$1,873.73	$1,645.31
Total wage costs as of Jan. 1, 1985	$6,139.67	$5,504.06

[1] Normal manning complement.
[2] Approval manning complement.

(f) *Method of calculating foreign wage costs.* The foreign wage cost (FC) of the principal foreign-flag competitors and the comparable WC of the subsidized vessel are matched as of January 1 of the subsidized fiscal year for purposes of determining the wage cost of the principal foreign flags. The following procedures are used:

(1) *Manning.* The foreign manning complement in number and nationality for the principal foreign-flag competitors shall be constructed for the subsidized vessel type using the manning scales and practices of the competitors as developed through an examination of alien crew manifests, payrolls, and other reliable information. The commonly used crew complement of the competitors shall be adjusted to fit the predominant vessel type in recognition of differences in physical characteristics that would affect manning scales. Where the manning complement cannot be estimated with reasonable substantiation, it will be deemed to be identical with that of the subsidized vessel.

(2) *Method.* The method of calculating FC shall be the same as that used for WC, provided that it is possible to obtain foreign cost data on the same basis as wage cost data. Preference shall be given to pricing out for fixed costs and to cost experience for variable costs. Where applicable, foreign currencies shall be converted into U.S. currency equivalents by using the average of end-month exchange rates for July through January, unless they consistently change in one direction by 25% or more during the period, in which cases the January exchange rate shall be used. The exchange rates shall be obtained from the publication,

"International Financial Statistics," published monthly by the International Monetary Fund. If exchange rates for particular foreign currencies are not available in this publication, they shall be obtained from the United States Department of the Treasury.

(3) *Foreign wage cost.* The per diem composite foreign wage cost is determined by multiplying the per diem WC for the U.S. ship type by the ratio of FC to WC for the foreign-flag competitiors. The following is a sample calculation of the foreign cost percentage.

ABC STEAMSHIP COMPANY, INC.—TRADE ROUTE 21; JAN. 1, 1985—FOREIGN WAGE COST (FC)

	United States	Belgium	United States	Germany	Netherlands	United States	Norway
Crew complement	35	35	35	23	22	35	28
Base wages	[1] $53,687	[1] $24,779	[1] $53,687	[1] $25,192	[1] $23,127	[1] $53,687	[1] $27,257
Allowances	[1] 1,074	[1] 4,584	[1] 1,074	[1] 8,879	[1] 3,097	[1] 1,074	[1] 289
Vacation pay (leave)	[1] 35,681	[1] 13,009	[1] 35,681	[1] 9,912	[1] 9,499	[1] 35,681	[1] 11,976
Pension and welfare	[1] 38,407	[1] 2,065	[1] 38,407	[1] 124	[1] 3,923	[2] 36,342	[1] 124
Social Security	[2] 6,608	[3] 7,227	[1] 3,717	[1] 6,814	[1] 4,584	[2] 6,608	[3] 10,118
Overtime and other variable costs (not elsewhere included)	[3] 48,732	[3] 10,944	[3] 48,732	[2] 10,325	[2] 7,021	[3] 48,732	[3] 12,389
Repatriation							[2] 413
Total wage costs	184,189	62,608	181,298	61,246	51,251	182,124	62,566
Unweighted percentage FC to WC		33.99		33.78	28.27		34.35
Competition weight factor (percent)		22.1		19.60	19.10		39.20
Weighted percentage		7.51		6.62	5.40		13.47
Composite weighted percentage, 33.00.							

[1] Based on Jan. 1 priced out cost.
[2] Excludes training costs—foreign data not available.
[3] Based on cost experience.

(g) *Determination of daily wage rate.* The foreign wage cost is deducted from subsidizable wage costs to determine the daily wage subsidy rate. Table 1 is an example calculation of a daily wage subsidy rate using the procedures described in this section.

(h) *Unpredictably timed costs (UTC)* are subsidized by calculating costs incurred during the previous six months and converting them into a daily rate. A lump sum amount would be paid for special lump sum assessments or for per man-day increases to benefits plans which become effective during the six months following the establishment of the daily rate. In either case, the percentage subsidy rate—which is the differential percentage between the subsidizable wage cost and the foreign wage cost—is used to establish the amount of subsidy payable for UTC incurred.

(1) UTC expenses such as severance pay and area bonuses are eligible for subsidy payment without obtaining prior approval and subsidy shall be paid as a lump sum amount.

(2) Expenses such as shortfalls in benefit fund contributions, special assessments for benefit funds, and retroactive wage increases may be treated as UTC if the cost increase was not negotiated. Such costs must be approved as UTC by the Director, Office of Ship Operating Costs. To the extent such expenses qualify for UTC, the Director shall determine the appropriate method of paying subsidy—added to the per diem wage subsidy rate and/or as a lump sum amount treated separately.

ABC STEAMSHIP COMPANY, INC.—TRADE ROUTE 21; CALCULATION OF WAGE SUBSIDY RATES [1]

Base period	Interim period	U.S. wage cost	Collective bargaining cost	Application of BLS index to base period cost	Averaging in base periods (4)+(5)÷2	Appropriate limits	Base period cost	Subsidizable wage cost	Composite weighted percentage	Composite foreign wage cost	Wage subsidy daily rate	Wage subsidy percentage rate (12)÷(9)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
1981		4,162.60	3,850.29				3,850.29	3,850.29	32.99	1,373.24	2,477.05	64.33
	1982	4,578.24	4,230.15	3,850.29×1.0845=4,175.64		0.9×(4)=3,807.14 1.1×(4)=4,653.17		4,175.64	32.98	1,509.90	2,665.74	63.84
	1983	5,013.80	4,660.38	3,850.29×1.1816=4,549.50		.9×(4)=4,104.34 1.1×(4)=5,016.42		4,549.50	36.15	1,812.49	2,737.01	60.16
	1984	5,539.40	4,966.90	3,850.29×1.2992=5,002.30		.9×(4)=4,470.21 1.1×(4)=5,463.59		5,002.30	34.77	1,926.05	3,076.25	61.50
1985		6,139.57	5,504.06	3,850.29×1.4044=5,407.35	5,455.71	.95×(4)=5,228.86 1.05×(4)=5,779.26	5,455.71	5,455.71	33.00	2,026.06	3,429.65	62.86

[1] This computation is based on a new vessel entering subsidized service in May 1981.

§ 282.22 Maintenance (Upkeep) and repairs.

(a) *Basis for subsidy.* The fair and reasonable maintenance and repair costs not compensated by insurance, if eligible for subsidy under the ODSA and the regulations in 46 CFR Part 272, shall be used for determining the daily amount of subsidy. The U.S.-Foreign cost differential shall be determined from price estimates of representative items of maintenance and repair work and by using the repair practices of the foreign-flag competition.

(b) *U.S.-foreign cost differential.* MARAD shall use the following procedures for calculating the U.S.-foreign cost differential for M&R.

(1) *Cost Survey.* MARAD shall select a sample of jobs which are representative of the various types of maintenance and repair work—drydocking and underwater repairs, machinery repairs, hull and deck repairs, electrical repairs, exterior painting and interior painting, etc. The jobs shall be described fully and combined into a standard set of specifications based on a particular type of vessel. The same specifications shall be used for obtaining all price estimates. MARAD shall request reliable and mutually acceptable ship repair cost

experts to ascertain the U.S. and foreign M&R prices.

MARAD shall survey foreign countries during a three-year cycle. The survey year prices shall be adjusted in the years between surveys by price adjustments estimated by the ship repair cost experts.

(2) *Country cost differential.* A country cost differential shall be determined for each country where work was performed on the competitive vessels. The country cost differential shall be 100 percent minus the ratio of the estimated foreign price divided by the U.S. price estimate. The U.S. price estimate shall be representative of the coastal area included in the subsidized service (for example East Coast) or, if more than one coast is served, the coast where the company is home based. For example:

DETERMINATION OF COUNTRY COST DIFFERENTIAL, YEAR 1985, U.S. EAST COAST

[Foreign Country—United Kingdom]

Repair category	Foreign price	U.S. price
Drydocking and underwater repairs	$49,598	$70,662
Boiler repairs	18,938	20,287
Machinery repairs	33,004	36,193
Hull and deck repairs	16,729	20,853
Electrical repairs	11,868	11,117
Exterior painting	5,456	7,974
Interior painting	681	1,162
Estimate totals	136,274	168,248

Foreign/U.S. price ratio, 81 percent.
Country cost differential, 100 minus 81 equals 19 percent.

(3) *Distribution of repairs.* The distribution of repairs refers to the countries where M&R work was performed on the vessels of the foreign-flag completitor. When data on the repairing practices are obtained directly from the foreign competitor, they shall be used. If information about such practices is unavailable—or only partially available—data, published by the classification societies and Lloyd's Voyage Record, reporting the dates and localities of drydocking and completion of the various types of vessel surveys, shall be used for determining the geographical distribution of the unknown repairing practices. For diesel vessels, there are three basic types of survey—drydocking, machinery, and hull. For steam vessels, there is a fourth survey—boiler—in addition to the other three surveys. Since these surveys may be performed in different countries, they are weighted in order to determine the distribution of repairs. The weighting factors shall be: drydocking—20 percent, machinery—40 percent (10 percent allocated to boiler survey on steam vessels), and hull—40 percent.

(4) *Proportionate cost differential.* A proportionate cost differential for each principal foreign-flag competitor shall be determined by multiplying the percentage distribution of repairs for each country where repair work was performed by the country cost differential for that country and by adding the resulting weighted percentages for all countries where repair work was performed.

(5) *U.S.-foreign cost differential.* The U.S.-foreign cost differential shall be determined by multiplying the proportionate cost differential for each principal foreign-flag competitor by the competition weight factor for that competitor, and by adding the resulting differentials for all principal foreign-flag competitors, as shown in the following example.

ABC STEAMSHIP COMPANY, INC., TRADE ROUTE—X

[U.S.-Foreign cost differential for maintenance (upkeep) and repairs subsidy rate, 1985]

Principal competitors	Distribution of repairs: Country	Distribution of repairs: Percent	Country cost differential (percent)	Proportionate cost differential (1)×(2) (percent)	Competition weight factor (percent	Weighted differential (3)×(4) (percent)
	(1)	(1)	(2)	(3)	(4)	(5)
Japan	Japan	85	36.21	30.78		
	U.S.	15	0	0		
	Total	100		30.78	23.4	7.20
Norway	Norway	15	44.72	6.71		
	Netherlands	20	43.23	8.65		
	Japan	45	36.21	16.29		
	U.S.	20	0	0		
	Total	100		31.65	31.1	9.84
United Kingdom	U.K.	80	19.00	15.20		
	Hong Kong	15	50.35	7.55		
	U.S.	5	0	0		
	Total	100		22.75	45.5	10.35
U.S.-Foreign cost differential						27.39

(c) *Calculation.* The appropriate U.S.-foreign cost differential shall be applied to the subsidizable and audited maintenance and repair costs for the three-year period, discussed in paragraph (c)(1) of this section, to establish a relationship of the cost differentials between M&R and wages. This relationship shall be used to establish the M&R subsidy on a current basis by applying the percentage relationship to the per diem wage subsidy rate.

(1) *Historical period.* The relationship of calendar period M&R subsidy to fiscal period wage subsidy shall be measured for the three-year period commencing five years prior to January 1 of the subsidized year. This ratio shall be established for each subsidized service and applied to the per diem wage rate of each ship type in the service to factor a daily amount of subsidy for M&R. The following is an example of the determination of the relationship and the daily amount of subsidy for M&R.

DETERMINATION FO DAILY AMOUNT OF SUBSIDY FOR M&R

T.R. 98: Item	F.Y. '80	F.Y. '81	F.Y. '82	Total
Wage ODS	1,500,000 C.Y. '80	1,000,000 C.Y. '80	1,750,000 C.Y. '80	4,250,000 (1)
M&R ODS	300,000	750,000	350,000	1,400,000 (2)

Note.—Ratio of M&R ODS to wage ODS—32.94% (2) ÷ (1)

T.R. 98: Ship type	Daily wage ODS 1/1/85	Ratio—M&R to wage ODS	Daily M&R ODS 1/1/85
C4-A	$4,000	×32.94	$1,317.60
C5-B	5,000	×32.94	1,647.00
C6-C	6,000	×32.94	1,976.40

(2) *Data submission requirement.* The operator is required to sumbit an annual certified statement of eligible M&R expenses for each month. The report shall be submitted to the Director, Office of Ship Operating Costs. The report should be submitted not later than sixty (60) days after the close of each calendar year.

§ 282.23 Hull and machinery insurance.

(a) *Subsidy items.* The fair and reasonable net premium costs (including stamp taxes) of hull and machinery,

increased value, excess general average, salvage, and collision liability insurance against risks and liabilities covered under the terms and conditions of policies approved as to form and coverage by MARAD, less lay-up returns, shall be eligible for subsidy and used for determining the U.S.-foreign cost differential. Port risk premiums are eligible for subsidy but not for determining the U.S.-foreign cost differential.

(b) *U.S.-foreign cost differential.* A U.S.-foreign cost differential shall be calculated for each service. Due to the difficulty of comparing forms and costs of hull and machinery insurance coverages, the following assumptions shall be used for estimating the composite premium cost of the foreign-flag competitor.

(1) *Coverage.* The foreign competitive vessels have the same types and amounts of insurance coverages and deductible averages as the subsidized vessels.

(2) *Premium rate.* The foreign competitive vessels are insured in the British market and the rate for such vessels is the same as the British market rate for the subsidized vessels. If the operator carries all of its insurance in the American market, the American market rate shall be assumed to be the same as the Bristish market rate.

(3) *Repairs.* Insurable repairs of the foreign competitive vessels are performed in the same countries and in the same distribution as non-insurable repairs, and the cost differential for such repairs shall be the same as the maintenance and repair percentage differential.

(4) *Particular average.* The percentage of particular average repair claims for the foreign competitive vessels is the same as the percentage of particular average repair claims for the subsidized vessels. The particular average portion of the premium cost for the subsidized vessels shall be determined as follows:

(i) *Percentage.* The particular average portion of the premium cost shall be determined by applying a percentage to the hull and machinery premium cost after deducting the estimated total loss premium. The percentage is based on insured claims experience. The percentage shall be determined by dividing the total of underwriter's absorptions for particular average domestic repair claims paid and estimated by the total of underwriter's absorptions for all claims paid and estimated (excluding total loss and constructive total loss claims) under the hull and machinery portion of the insurance coverage, except that such percentage shall not exceed eighty-five (85) percent. The percentage is based on the claims experience of the subsidized vessels for the five (5) calendar year period preceding the subsidized year. For subsidized operators that do not have five years of claims experience, the average percentage of particular average domestic repair claims for all similar subsidized vessels shall be used unless the operator can submit data to substantiate its own claims cost experience on similar vessels.

(ii) *Data submission requirement.* The operator shall submit the five year claims experience, invoices showing net premium costs and coverages for the subsidized year, and lay-up returns for the previous year to the Director, Office of Ship Operating Costs, not later than sixty (60) days after the close of each calendar year.

(c) *Calculation.* In calculating the subsidized premium cost, the following steps shall be taken:

(1) The particular average portion of the premium cost shall be adjusted in order to give effect to the repair cost differential for the foreign competitive vessels by applying the complement of the maintenance and repairs percentage cost differential (100 percent minus the differential) to the particular average portion of the premium cost. The adjusted particular average foreign premium cost shall be added to the net premium cost excluding the particular average portion to determine the composite foreign premium cost.

(2) The foreign premium cost shall be subtracted from the operator's total premium cost to determine the difference in dollars. The percentage differential is determined by dividing the dollar difference by the operators' total premium cost. An example calculation is included in Table 2.

(3) The net premium cost of the subsidized vessels shall be divided by the number of days in the calendar year and the resultant daily insurance cost shall be multiplied by the U.S.-foreign cost differential percentage applicable to the most recent year to determine the daily amount of subsidy for hull and machinery insurance.

TABLE 2.— ABC STEAMSHIP COMPANY, INC.—CARGO VESSELS—TRADE ROUTE—X; U.S./FOREIGN COST DIFFERENTIAL FOR HULL AND MACHINERY INSURANCE, 1985

1. *Composite Foreign Premium Cost:*			
A. *Hull and Machinery,* Total coverage		$92,741,996	
Average Premium Rate in British Market (percent)		1.00966	
Premium Cost in British Market			$936,379
(Estimated Total Loss Premium $9,2741,966@ .46500%[1] $431,250)			
B. *Increased Value,* Total Coverage		$1,083,325	
Average Premium Rate in British Market (percent)		.32550	
Premium Cost in British Market			3,526
C. *Excess Liability,* Total Coverage			None
D. *Total Premium Cost if Insured 100% in British Market*			939,905
E. *Deduct Particular Average Portion:* $936,379 Less $431,250=$505,129×62%[2]			313,180
F. *Net Premium Cost Exclusive of Particular Average*			626,725
	Trade route No. X line A	Trade route No. X line B	Trade route No. X line C
G. *Particular Average Adjustment:*			
P/A Portion of Premium Cost	$313,180	$313,180	$313,180
M&R Subsidy Rate Complement[3] (percent)	84.48	86.63	87.34
Adjusted P/A Foreign Premium Cost	$264,574	271,308	273,531
Add: Net Premium Cost (Excluding P/A)	$626,725	626,725	626,725
2. *Composite Foreign Premium Cost*	$891,299	$898,033	$900,256
3. *Total premium cost to subsidized operators*	$1 ,068,998	$1,068,998	$1,068,998
4. *Differential in dollars*[4]	$177,699	$170,965	168,742
5. Composite weighted differential[5] (percent)	16.62	15.99	15.79

	Trade route No. X line A	Trade route No. X line B	fdTrade route No. X line C
6. U.S.-Foreign Cost Differential (percent)	16.62	15.99	15.79

[1] Estimated gross total loss rate adjusted for broker's discounts, policy tax and other costs, as necessary.
[2] Percentage of particular average.
[3] 100% minus M&R subsidy rate of the same calendar year.
[4] Line 3 less line 2.
[5] Line 4 divided by line 3.

§ 282.24 Protection and indemnity insurance.

(a) *Subsidy items.* Items eligible for determination of subsidizable costs and the U.S.-foreign cost differential are:

(1) *Premiums.* The fair and reasonable net premium costs (including stamp taxes) of protection and indemnity, excess insurance, second seamen's insurance, tovalop or other forms of pollution insurance, bumbershoot (only that portion identified as applicable to P&I insurance), cargo liability if excluded from the primary policy, supplemental calls against liabilities covered under the terms and conditions of policies approved as to form and coverage by MARAD, less lay-up return premiums, shall be eligible for subsidy and used for determining the U.S.-foreign cost differential.

(2) *Deductibles.* The fair and reasonable cost of crew claims paid by and pending with the operator under the deductible provision of the protection and indemnity insurance policy, approved as to form and coverage by MARAD, to the extent that such cost would have been paid by the insurance underwriter under the terms of the policy, except for the fact that it did not exceed the deductible provision of the policy, shall be eligible for subsidy. For subsidy purposes, the deductible absorption shall not exceed $50,000 for each accident or occurrence, provided however, that benefits paid on unearned wages, if excluded from coverage under the protection and indemnity insurance policy, shall be eligible notwithstanding that the deductible provisions of the policy may be exceeded.

(b) *Assumptions made in calculation.* For purposes of determining subsidy for protection and indemnity insurance, it shall be assumed that the cost differential between the subsidized vessels and the foreign competitive vessels is limited to those portions of premium costs and deductible absorptions which are related to crew liability and that the cost of all other liabilities is the same for both the subsidized vessels and the foreign competitive vessels.

(c) *Calculation.* The following is the method of calculating the U.S.-foreign cost differential for premiums:

(1) *General.* A differential shall be calculated for each subsidized service of the vessel. Since the premium cost for all other liabilities is assumed to be the same for both the U.S. and foreign competitive vessels, the calculation of the differential for protection and indemnity insurance premiums is in effect based on the difference between U.S. and foreign premium costs for crew liabilities. Premium costs are determined in costs per gross registered ton (GRT).

(2) *Reporting Requirement.* The operator shall submit the total premium cost for the subsidized year, plus any supplemental calls and lay-up return premiums not previously reported, to the Director, Office of Ship Operating Costs, not later than 60 days after the beginning of such year. The data shall be supported by invoices from the insurance underwriter.

(3) *U.S. crew liability cost.* The crew liability portion of the total premium cost shall be determined by applying a percentage to the total premium cost based on five (5) years of claims experience for the five years preceding January 1 of the subsidized year. The percentage shall be determined by dividing the total of underwriter's absorptions for crew claims, paid and estimated, by the total of underwriter's absorptions for all claims, paid and estimated. The crew claims portion shall be limited to eighty-five (85) percent unless the operator can substantiate a higher percentage as a result of having crew liability and all other liabilities insured with different underwriters. The operator shall submit the five-year claims experience not later than 60 days following the close of each calendar year.

(4) *All other liabilities cost—U.S. and foreign.* The all other liabilities portion of the U.S. premium cost shall be determined by subtracting the crew liability portion from the total premium cost. The same cost shall be used for the all other liabilities portion of the foreign-flag competitor's premium cost.

(5) *Foreign crew liability cost.* The crew liability cost of each principal foreign-flag competitor shall be used, if reliable cost data can be obtained. If such data cannot be obtained for a principal competitor, and it is determined that such competitor has a non-national crew, the crew liability cost for similar vessels registered under the flag of the crew's nationality may be used, at the Board's discretion, provided reliable cost data are obtained. If no reliable cost data are obtained for a competitor, the crew liability cost for that competitor shall be estimated by multiplying the subsidized operator's crew liability portion of the total premium cost by the ratio of that competitor's wage costs (FC) to the subsidized operator's wage costs (WC), as determined in the calculation of the wage differential.

(6) *U.S.-foreign cost differential.* The U.S.-foreign cost differential shall be the excess of the operator's total premium cost over the principal foreign-flag competitor's estimated total premium cost, expressed as a percentage, calculated in the following manner.

ABC Steamship Company, Inc., Trade Route—X Protection and Indemnity Insurance Premiums, 1985

Premium Cost (per GRT)	United States	Greece	Pakistan	South Africa
Crew Liability	[1] $3.98	[2] $1.27	[3] $0.45	[2] $0.08
All Other Liability	1.06	1.06	1.06	1.06
Total Cost	5.04	2.33	1.51	1.14
Differential—Excess of U.S. Cost over Foreign Cost		$2.71	$3.53	$3.90
Unweighted Differential		[4] 53.77	[4] 70.04	[4] 77.38
Competition Weight Factor		[4] 24.3	[4] 24.9	[4] 50.8
Weighted Differential		[4] 13.07	[4] 17.44	[4] 39.31
U.S.—Foreign Cost Differential				[4] 69.82

[1] Determined by applying 79.03% (based on 5-year claims experience) to total GRT premium rate of $5.04.
[2] Crew Liability data obtained by Maritime Administration.
[3] The unweighted percentage of Pakistani to U.S. wage costs of 11.23% was applied to $3.98 to estimate the foreign cost.
[4] Percentage.

(d) *Daily Subsidy Rate.* The daily subsidy rate shall be calculated in the following manner.

(1) *Premiums.* The net premium costs per calendar day for the subsidized year shall be multiplied by the U.S.-foreign cost differential percentage determined for the most recent year. The product shall be the daily amount of subsidy for P&I premiums.

(2) *Deductibles.* (i) The eligible illness and injury crew claims, paid and pending, shall be audited for each calendar year of a three-year period commencing six years prior to January 1 of the subsidized year, and shall be multiplied by the percentage wage differential, as determined in the calculation of wage subsidy for the appropriate fiscal period. The resulting calendar period P&I deductible differential shall be divided by the fiscal period wage differential in the service for the three-year period, and the resulting percentage shall be applied to the wage per diem calculated for each ship type in the service to derive the daily amount of subsidy for P&I deductibles. As to pending claims previously recognized in the historical period, only the amount of changes in cost with respect to such claims shall be subsequently recognized. The following methodology shall determine subsidy for P&I deductibles.

DETERMINATION OF DAILY AMOUNT OF SUBSIDY FOR P&I DEDUCTIBLES

T.R. 98 item	Fiscal Year 1980	Fiscal Year 1981	Fiscal Year 1982	Total
Wage ODS	1,500,000 C.Y. '80	1,000,000 C.Y. '80	1,750,000 C.Y. '80	4,250,000 (1)
P&I Ded. ODS	75,000	80,000	100,000	255,000 (2)
Ratio of P&I Ded. ODS to Wage ODS—6.00 (2)-(1)				

T.R. 98 ship type	Daily wage ODS 1/1/85	Ratio P&I Ded. to wage ODS	Daily P&I Ded. ODS 1/1/85
C4-A	$4,000	X .06	$240.00
C5-B	5,000	X .06	300.00
C6-C	6,000	X .06	360.00

(ii) In cases where national insurance schemes cover crew claims costs in their entirety, resulting in no cost to the foreign competitor for deductible absorptions, the composite percentage differential for wages shall be adjusted by substituting a zero cost for such foreign competitor in the calculation of the differential. The adjustment of the wage percentage differential shall not be used for Japan, where operators incur minimal costs for deductible absorptions, rather than no costs. For Japan, the insurance related costs which are normally included in the calculation of Japanese wage costs shall be excluded in adjusting the wage percentage differential for this purpose.

Subpart D—Subsidy Payment and Billing Procedures

§ 282.30 Payment of subsidy.

Submission of voucher. At the close of each calendar month, the subsidized operator may submit a voucher, and include for payment in such voucher the amount of ODS accrued for the voyages terminated during the period.

§ 282.31 Subsidy billing procedures.

(a) *Subsidy voucher.*—(1) *Form.* Requests for payment of ODS shall be submitted on a public voucher, Standard Forms 1034 and 1034A, which can be obtained from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(2) *Copies.* The operator shall submit the original and 3 copies of the voucher for payment to the MARAD Region Director. The original and 2 copies must be supported by schedules and an affidavit. The third copy is the payee's copy and need not be supported.

(b) *Schedules and affidavit.* (1) The following schedules shall be used for calculating the amount of ODS payable:

BILLING CODE 4910-81-M

Schedule A

_____
(Company)

ODSA No._____
ODS Accrued During Fiscal Year 198__
ODS Payable for the Month of_____

	Current Voucher	Previous Voucher	Total
Total Accrued ODS (Sched. B)	$_____	$	$
Less ODS Reductions:			
DTR/Deviations (Sched. C)	$_____		
Reduced Crew (Sched. D)	$_____		
Net ODS Accrued	$_____	$_____	$_____
Less Previous Payments			$_____
ODS Payable			$_____

Schedule B

_____
(Company)

ODS Accrued for the Month of_____
Trade Area_____

Vessel Name	Voy. No.	Voyage Dates From	To	Voy. Days (a)	Per Diem Rates (a)	Net Subsidy
					$	$

ODS Payable for Unpredictably Timed Expenses not included in Daily Amount (Attach supporting information) $_____

Total Accrued Subsidy (Enter on Schedule A) $_____

(a) Place * next to applicable "Voy. Days" or "Per Diem Rate" of vessel and voyage requiring reduction of ODS because of domestic trade operations or voyage deviations.

Schedule C

_____
(Company)

Domestic Trade
and
Voyage Deviation
ODS Reductions

Domestic Trade Reduction (DTR)

Vessel Name	Voy. No.	Gross Voyage Revenue	Domestic Revenue	% of Dom. to Gross Revenue	Per Diem Rate	Per Diem Reduction	DTR Days	ODS Reduction
		$	$	%	$	$		$

Deviation Reduction

Vessel Name	Voy. No.	Deviation Days or % of Day	Per Diem Rate	ODS Reduction
			$	$

(Enter total Reductions on Schedule A)

Schedule D

_____
(Company)

Reduced Crew Periods

Vessel	Reduced Crew Dates From	To	No. of Reduced Crew Days (a)		No. of Crew Reduced		Man-Days		Man-Day Amount		Reduced Crew Reduction
				x		=		x	$	=	$
				x		=		x	$	=	$
				x		=		x	$	=	$
				x		=		x	$	=	$

Total Reduced Crew Reduction (Enter on Schedule A) $ ═══

(a) If licensed crew, indicate (a)

(b) If unlicensed crew, indicate (b)

BILLING CODE 4910-81-C

(2) A notorized affidavit as shown below shall be signed by an official of the subsidized operator who is familiar with the ODSA, these regulations, the operation the subsidized vessel and the accounts, books, records, and disbursements of the subsidized operator relating to such operation:

Affidavit

State of _____
City of _____
County/Parish of _____

I, _____, being duly sworn, depose and say, that I am _____ (title) _____ of the _____, (herein referred to as the "Operator"), and as such am familiar with (a) provisions of the Operating-Differential Subsidy Agreement, Contract No. _____, dated as of _____, as amended, to which the Operator is a party; and (b) the regulations governing the payment of operating-differential subsidy for liner vessels, PART 282, Title 46, CFR; and (c) the operation of the vessels covered by said Agreement and regulations; and (d) the accounts, books, records, and disbursements of the Operator relating to such operation.

Referring to the public voucher dated _____, covering voyage days allowed for subsidy during the periods commencing _____ and ending _____, and attached, submitted by said Operator concurrent herewith for a payment on account in the sum of _____, under said Agreement, I further depose and say that, to the best of my knowledge and belief, the Operator has fully complied with the terms and conditions of said Agreement and regulations, applicable orders, rulings and provisions of the Merchant Marine Act, 1936, as amended, and is entitled, under the provisions of said Agreement and regulations, orders and rulings applicable thereto, to the amount of the payment on account requested; and further depose and say that the vessels named in the attached schedules were in authorized service for the vessel operating days on which the payment is requested and has not included in the calculation of the amount of subsidy claimed in the attached voucher any costs of a character that the Maritime Administration, or Secretary of Transportation acting by and through the Maritime Subsidy Board or any predecessor or successor, had advised the Operator to be ineligible to be so included, or any costs collectible from insurance, or from any other source.

Payment by the Maritime Administration of all or part of the amount claimed herein shall not be construed as approval of the correctness of the amount stated to have been due, nor a waiver of any right of remedy the Maritime Administration, or Secretary of Transportation, acting by and through the Maritime Subsidy Board, or any predecessor or successor, may have under the terms of said Agreement, or otherwise.

I further depose and say that this affidavit is made for and on behalf and at the direction of the Operator for the purpose of inducing the Maritime Administration to make a payment pursuant to the provisions of the aforesaid Operating-Differential Subsidy Agreement, as amended.

Subscribed and sworn to before me, a Notary Public, in and for the aforesaid County and State, this _____ day of _____, _____.

My commission expires _____

Notary Public _____

(3) The subsidized operator shall furnish its own supply of supporting schedules and affidavit.

§ 282.32 Appeal procedures.

(a) *Appeals of annual or special audits.* An operator who disagrees with the findings, interpretations or decisions in connection with audit reports of the Office of the Inspector General and who cannot settle said differences by negotiation with the Contracting Officer may submit an appeal to the Maritime Administrator from such findings, interpretations or decisions in accordance with Part 205 of this chapter.

(b) *Appeals of administrative determinations.*—(1) *Policy.* An operator who disagrees with the findings, interpretations or decisions of the Contracting Officer with respect to the administration of this part may submit an appeal from such findings, interpretations or decisions as follows:

(i) Appeals shall be made in writing to the Secretary, Maritime Subsidy Board, Maritime Administration, within 60 days following the date of the document notifying the operator of the administrative determination of the Contracting Officer. In his appeal to the Secretary the operator shall indicate whether or not he desires a hearing.

(ii) The appellant will be notified in writing if a hearing is to be held and whether he is required to submit additional facts for consideration in connection with the appeal.

(iii) When a decision has been rendered by the Board, the appellant will be notified in writing.

(2) *Appeal to the Secretary of Transportation.* An operator who disagrees with the Board may appeal such findings and determinations by filing with the Secretary of Transportation, a written petition for review of the Board's action. The petition shall be filed in accordance with provisions of the Department of Transporation pertaining to Secretarial review.

(3) *Hearings.* The Rules of Practice and Procedure, 46 CFR Part 201, Subpart M, shall be followed for hearings granted under 46 U.S.C. § 1176 and 46 CFR Section 282.32.

Authority: Secs. 204(b), 603, 606, Merchant Marine Act 1936, as amended (46 U.S.C. § 1114(b), 1173, 1176), 49 CFR § 1.66.

Dated: January 29, 1986.

By order of the Maritime Administrator.

Georgia P. Stamas,

Secretary, Maritime Administration.

[FR Doc. 86-2380 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-81-M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 649

American Lobster Fishery

AGENCY: National Marine Fisheries Service (NMFS), NOAA, Commerce.

ACTION: Notice of availability of a fishery management plan amendment and request for comments.

SUMMARY: NOAA issues this notice that the New England Fishery Management Council has submitted Amendment 1 to the Fishery Management Plan for the American Lobster Fishery (Plan) for Secretarial review and is requesting comments from the public. Copies of the amendment may be obtained from the address below.

DATE: Comments on the plan should be submitted on or before April 18, 1986.

ADDRESSES: Comments on Amendment 1 should be sent to Richard Schaefer, Acting Regional Director, National Marine Fisheries Service, Northeast Regional Office, 14 Elm Street, Gloucester, MA 01930-3799. Mark the outside of the envelope "Comments on Amendment 1 to the American Lobster FMP."

Copies of Amendment 1 are available upon request from Douglas G. Marshall, Executive Director, New England Fishery Management Council, Suntaug Office Park, 5 Broadway (Route 1), Saugus, Massachusetts 01906.

FOR FURTHER INFORMATION CONTACT: Kathi Rodrigues, 617-281-3600, ext. 244.

SUPPLEMENTARY INFORMATION: The Magnuson Fishery Conservation and Management Act, as amended (16 U.S.C. 1801 *et seq.*), requires that each regional fishery management council submit any fishery management plan or plan amendment it prepares to the Secretary of Commerce (Secretary) for review and approval or disapproval. The Act also requires that the Secretary, upon receiving the plan or amendment, must immediately publish a notice that the plan or amendment is available for public review and comment. The Secretary will consider the public comments in determining whether to approve the plan or plan amendment.

The amendment proposes measures to (1) establish a uniform offshore lobster gear marking system; (2) provide an exemption from trap venting requirements for fish pots operated in the black sea bass fishery in certain areas along the coast adjacent to New Jersey and points south; and (3) provide the authority for the Regional Director (NMFS), with Council concurrence, to exempt certain lobster research activities from the regulations implementing the plan or close certain areas to lobster fishing for the same purpose. The amendment also provides a clarification to the regulations implementing the plan that the Council does not consider red crab fishing gear operated in waters deeper than 200 fathoms to be gear capable of catching lobsters, and therefore, that gear is not subject to the gear marking, gear length, or trap venting requirements specified in the regulations.

Regulations proposed by the Council and based on this amendment are scheduled to be published within 30 days.

(16 U.S.C. 1801 *et seq.*)

Dated: February 3, 1986.

Richard B. Roe,

Director, Office of Fisheries Management, National Marine Fisheries Service.

[FR Doc. 86-2662 Filed 2-3-86; 4:54 pm]

BILLING CODE 3510-22-M

Notices

Federal Register
Vol. 51, No. 25
Thursday, February 6, 1986

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Forest Service

Noxious Weed and Poisonous Plant Control; Custer National Forest and National Grasslands; Intent To Prepare an Environmental Impact Statement

The Department of Agriculture, Forest Service, will prepare an environmental impact statement to identify methods for controlling noxious weeds on the Custer National Forest and National Grasslands.

The proposed Custer National Forest and National Grasslands Plan has been prepared. The noxious weed objective in the Forest Plan is to implement an integrated pest management program aimed at treating new starts, priority drainages, areas of minor infestations and holding actions on areas of current large infestations.

The Custer National Forest and National Grasslands has many acres of land that contain noxious weeds. These weeds have been identified as noxious by the States of Montana, North Dakota and South Dakota or by counties within these states. These plants can severely affect the productivity of forest and rangelands. Infestations on National Forest lands and National Grasslands have the potential to spread to adjacent private lands.

A range of alternatives for treating these sites will be considered. One of these will be no treatment of problem plants by any means. Other alternatives will be integrated pest management systems that may include a combination of the following methods:

1. Chemical treatment of problem plants applied by various methods, such as hand spraying, truck mounted spraying, or hand application of pelleted herbicides.
2. Implementation of biological control methods, such as insects or fungus.
3. Treatment of problem plants by mechanical methods, such as hand grubbing, mechanical disking or plowing.

Federal, State, and local agencies, local landowners, and other individuals or organizations who may be interested in or affected by the decisions will be invited to participate in the scoping process. This process will include:

1. Identification of potential issues.
2. Identification of issues to be considered in depth.
3. Elimination of insignificant issues of those which have been covered by a previous environmental review.

The Fish and Wildlife Service, Department of the Interior, will be invited to participate as a cooperating agency to evaluate potential impacts on threatened and endangered species habitat if any such species are found to exist in the area of consideration.

No public meetings are scheduled at this time, but the public is invited to comment. Written comments should be mailed by February 7, 1986, to David A. Filius, Forest Supervisor, Custer National Forest, P.O. Box 2556, Billings, Montana 59103.

David A. Filius, Forest Supevisor, Custer National Forest, Billings, Montana 59103, is the responsible official.

The draft environmental impact statement should be available for public review by February 28, 1986. The final environmental impact statement is scheduled to be completed by May 1, 1986.

Questions about the proposed action and environmental impact statement should be directed to Sue Zike, Landscape Architect, Custer National Forest, phone 406–657–6361.

Dated: January 28, 1986.

David M. Lee,

Acting Forest Supervisor.

[FR Doc. 86–2572 Filed 2–5–86; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Office of the Secretary

[Docket No. 51218–5218]

Review of Commercial Activities; Inventory and Review Schedule

AGENCY: Department of Commerce.

ACTION: Notice.

SUMMARY: The U.S. Department of Commerce announces that it has compiled an inventory of activities it operates which provide a product or service which could be obtained from a commericial source ("commercial activities"). The Department is reviewing or plans to initiate reviews for these activities during fiscal years 1986 and 1987 to determine which, if any, should be performed by commercial sources under Government contract instead of being performed "in house" by Government personnel using Government facilities.

This notice is not an invitation for sealed bids or a request for proposals.

FOR FURTHER INFORMATION CONTACT: Robert M. McNamara, Office of Finance and Federal Assistance, U.S. Department of Commerce, Herbert C. Hoover Bldg., Room H–6823, 14th St. between Pennsylvania and Constitution Avenues, NW., Washington D.C. 20230. (202) 377–0641.

SUPPLEMENTARY INFORMATION: This notice is issued under the authority of the Budget and Accounting Act of 1921 (31 U.S.C. 1 *et seq.*); the Office of Federal Procurement Policy Act Amendments of 1979 (41 U.S.C. 401 *et seq.*); Office of Management and Budget (OMB) Circular No. A–76, Performance of Commercial Activities; and Department of Commerce Administrative Order (DAO) No. 201–41, "Performance of Commercial Activities". Commercial activities are those which are operated by the agency and which provide a product or service which could be obtained from a commercial source.

The following chart is the inventory of and review schedule for the Department's commercial activities. Each activity is listed by the Department's identifier number keyed to the operating unit which performs the activity, the name, location, and description of the activity, approximately how many full time equivalents are currently performing the activity, and the scheduled review start and end dates.

Abbreviations appearing on the chart are as follows:

FTE's	Full Time Equivalents.
BEA	Bureau of Economic Analysis.
CEN	Bureau of the Census.

EDA ..... Economic Development Administration.
ITA ..... International Trade Administration.
NBS ..... National Bureau of Standards
NOAA ..... National Oceanic and Atmospheric Administration.
NTIS ..... National Technical Information Service.
OS ..... Office of the Secretary.

Dated: January 31, 1986.

Sonya G. Stewart,

Director, Office of Finance and Federal Assistance.

PRODUCTIVITY IMPROVEMENT PROGRAM REVIEW LIST, FY 1986 PUBLICATION, FEDERAL REGISTER AND COMMERCE BUSINESS DAILY EDITION

Identifier	Name of activity	Location of activity	Description of activity	Approximate No. of FTEs	Review start date	Review end date
BEA-W001-C	Data Conversion	Washington, DC	Key-to/disk operation converting surveys, coding forms, etc. to machine readable form.	13.0	09/01/86	03/31/87
CEN-8515-C	Library	Suitland, MD	Planning, directing, and coordinating library services.	21.0	05/01/85	10/01/86
CEN-8516-C	Warehousing/Stock Handling	do	Receiving, shipping, warehousing, packing, and stock handling services.	16.0	06/03/85	11/01/86
CEN-8518-C	Motor Pool/Vehicle Maintenance	do	Provide transportation for employees, mail, supplies, and equipment.	16.0	03/01/85	07/01/86
CEN-8536-C	Warehouse/Motor Pool/Stock/Maintenance.	Jeffersonville, IN	Receiving, shipping, warehousing, packing, and stock services. Provide for the transportation of employees, mail, supplies, and equipment.	47.0	04/01/85	09/30/86
EDA-ISS4-C	Loan Application Review and Processing.	Washington/Field	Loan Application Review and Processing.	44.0	01/01/86	05/31/87
NBS-14-C	Instrument Shops	Gaithersburg, MD	Provide instrument design, fabrication, modification, and repair for research and development programs.	31.0	01/15/85	06/01/86
NBS-21-C	do	Boulder, CO	do	16.0	03/31/86	06/30/87
NBS-33-C	Visual Arts	Gaithersburg, MD	Produces scientific and technical illustrations, technical drafting, record photography film processing and production of material for presentation.	14.3	06/30/86	09/30/87
NBS-36-C	Technical Support for Scientific Computer.	do	Provides the human link between the user community and the hardware, software, and procedures which comprise the computing facility.	16.0	09/30/86	09/30/87
NBS-45-C	Plant Operation	Boulder, CO	Grounds maintenance, central steam, electric shop, pipe shop, construction shop, paint shop, a/c and refrigeration.	125.0	10/31/85	01/31/87
NBS-46-C	do	Gaithersburg, MD	Grounds maintanance, central steam, electric shop, pipe shop, construction shop, print shop, sheet metal shop, a/c and refrigeration.	125.0	10/31/85	01/31/87
NBS-47-C	do	do	Janitorial service, mail service, supply operations, shuttle service, and auto repair.	52.4	09/30/86/	12/31/87
NOA-A004-C	MASC Library	Boulder, CO	Provides library and information services in the fields of interest of the Boulder, CO complex (MASC).	15.0	09/01/83	01/23/86
NOA-A005-C	MASC Supply Services	do	Provides supply management services (excluding procurement) for the MASC.	38.0	09/01/83	02/15/86
NOA-E001-C	National Climatic Data Center	Asheville, NC	Provides ADP, archival, and technical support services for the National Climatic Center.	114.0	04/01/83	03/01/86
NOA-E002-C	Library and Information Services	Rockville, MD	Provides library and information services for both NOAA and non-NOAA interests.	28.0	04/01/83	03/01/86
NOA-E005-C	Satellite Operations Control Center	Suitland, MD*	Environmental satellite operations.* Also Wallops Island, VA and Fairbanks, AK.	50.0	01/01/86	02/01/87
NOAA-E006-C	Office of Satellite Data	Suitland, MD	Satellite date collection, processing and distribution.	142.0	04/01/86	09/30/87
NOA-E007-C	Office of Satellite Research and Applications.	do	ADP Services, sensor calibration and technical services.	32.0	04/01/85	09/30/87
NOA-E008-C	Satellite CDA Station	Wallops Is., VA/ Fairbanks, AK.	Environmental Satellite operations	102.0	07/30/85	09/01/86
NOA-E009-C	National Climatic Data Center	Ashville, NC, Suitland, MD.	Climate records processing, systems programming, climate library and satellite data operations.	90.0	04/01/86	09/30/87
NOA-E010-C	National Oceanograpic Data Center	Washington, DC	Data base management, product delivery, and systems development.	55.0	04/01/86	09/30/87
NOA-F001-C	National Marine Fisheries Service	Miami, FL	Provide computer operations, and systems analysis support for NMFS.	60.0	09/01/85/	10/26/86
NOA86-F002NO-C	do	Washington, DC/Field	Provides scientific publication and editorial services for NMFS.	30.0	09/01/85	12/24/86
NOA-F003-C	NE Fisheries Center Activities	Woods Hole, MA	Provides ADP and facilities maintenance support for the Northwest Fisheries Center, NMFS.	39.0	09/24/85	11/22/86
NOA-F004-C	SW Fisheries Center Activities	LaJolla, CA	Provides ADP support for the Southwest Fisheries Centers, NMFS.	33.0	04/01/83	04/08/86
NOA-F006-C	Office of Data and information Management.	Washington, DC	ADP support.	7.0	10/01/85	10/01/86
NOA-F007-C	Financial Service Division	Washington, DC/Field	Fisheries obligations, guaranteed loans, and Fishery Loan Fund processing in Washington, DC and the regions.	30.0	09/24/85	11/22/86
NOA-N004-C	Aeronautical Chart Branch	Rockville, MD	Constructs and maintains aeronautical charts and related publications to meet the requirements of civil-military aviation.	148.0	03/31/83	10/01/86
NOA-N007-C	Marine Chart Branch	do	Constructs and maintains nautical charts, Coast Pilots, and other related marine publications.	52.0	03/31/83	10/01/86
NOA-N008-C	Geodetic Resources Management	do	Establishes, improves, and maintains a basic horizontal and vertical network of geodetic control. Provides technical and logistical support to geodetic field units and complies, publishes, and maintains information for the geodetic user community.	292.0	03/31/83	10/01/86
NOA-N010-C	Atlantic Marine Center	Norfolk, VA	Provides operational and technical support (including ship operation) for all hydrographic, oceanographic, and marine resource activities at AMC.	142.0	03/31/83	04/23/86
NOA-N012-C	Pacific Marine Center	Seattle, WA	Provides operational and technical support (including ship operations) for all hydrographic, oceanographic, and marine resource activities at the PMC.	576.0	03/01/84	10/01/86

PRODUCTIVITY IMPROVEMENT PROGRAM REVIEW LIST, FY 1986 PUBLICATION, FEDERAL REGISTER AND COMMERCE BUSINESS DAILY EDITION—Continued

Identifier	Name of activity	Location of activity	Description of activity	Approximate No. of FTEs	Review start date	Review end date
NOA-N014-C	Photogrammetry Branch	Rockville, MD	Photogrammetry	100.0	04/01/86	09/30/87
NOA-N021-C	Office of Marine Operations	do	Engineering	35.0	10/01/85	04/01/87
NOA-N022-C	Office of Aircraft Operations	Miami, FL	Aircraft operations	88.0	04/01/85	10/01/86
NOA-R001-C	GFDL Computer Operations	Princeton, NJ	Provides ADP support for the research activities conducted at GFDL.	16.0	05/01/83	03/21/86
NOA-R002-C	Atlantic Oceanographic Meteorological Lab.	Miami, FL	Facilities management and maintenance	12.0	04/01/85	07/01/86
NOA-W001-C	NWS Engineering Activities	Washington, DC*	Provides maintenance, reconditioning and quality control in support of the NWS technical equipment program. Provides engineering, facilities, and instrumentation support to NWS field installations. Provides a full spectrum of engineering support activities for the National Weather Service.* Also Kansas City, MO; FT. Worth, TX; Salt Lake City, UT; Garden City, NY.	214.0	05/01/83	09/01/86
NOA-W007-C	Communications Operations	Suitland, MD	Provides for the installation, operation, adjustment, and maintenance of communications equipment for NWS.	44.0	04/01/83	10/15/85
NOA-W011-C	Alaska Regional Weather Service Activities.	Anchorage and Fairbanks, AK.	Provides engineering facilities and instrumentation support to NWS field installations. Provides electronic maintenance for NWS instrumentation in the Anchorage, AK area. Provides electronic maintenance for NWS instrumentation at the WSFO, Fairbanks, AK. Provides aviation observations at the Fairbanks WSFO.	35.0	03/01/84	05/01/86
NOA-W013-C	Hawaii Regional Weather Service Activities.	Honolulu, HI	Provides electronic maintenance for NWS instrumentation at the WSFO, Honolulu, HI. Provides weather observations and communications support for the WSFO, Honolulu HI.	21.0	11/01/83	02/26/86
NOA-W015-C	NWS New York Area Airport Observations.	New York, NY and Newark, NJ.	Provides aviation observations at the NY/Kennedy WSO, the Newark WSO, and the NY/LaGuardia WSO.	16.0	04/01/84	05/15/86
NOA-W017-C	NWS LA Area Airport Observations	Los Angeles & Long Beach, CA.	Provides aviation observations at the Los Angeles International WSO/AU, and the Long Beach WSO.	14.0	04/01/84	04/15/86
NOA-W018-C	Dulles Airport Observations	Chantilly, VA	Provides aviation observations at the Wash/Dulles International WSO.	9.0	10/01/83	02/15/86
NOA-W019-C	NMC Computer Operations	Suitland, MD	Provide comprehensive computer services to NOAA components as well as other DOC organizations. Responsibilities include installation, testing, modification, and operation of IMS computers.	50.0	10/01/84	02/01/86
NOA-W020-C	O'Hare Airport Observations	Chicago, IL	Provides aviation observations at the Chicago/O'Hare WSO	6.0	05/01/83	04/15/86
NOA-W021-C	NWS Overseas Operations	Silver Springs, MD	Support of overseas weather operations	31.0	12/01/85	10/01/86
NOA-W022-C	NWS INtegrated Systems Laboratory	do	Systems development engineering	37.0	04/01/86	09/30/87
NOA-W023-C	NWS AFOS Operations Division	do	Operation of communications systems	65.0	10/01/85	04/01/87
NOA-W024-C	NWS Training Center	Kansas City, MO	Electronics and meterological training	42.0	01/01/86	07/01/87
NTIS-004-C	Automated Data Processing	Springfiled, VA	Plan and operate the agency's automated data processing system used to process the bibliographic data file, publications and edit programs. Perform studies and analysis of total NTIS systems needs with emphasis on adaptation of automated data processing systems to satisfy needs.	45.0	06/01/86	12/01/87
OS-DCS1-C	Computer Servcies	do	Operates central ADP resource facility to support Office of the Secretary and designated operating units and provide computer resources for selected automated applications of other Government agencies	26.0	06/01/86	12/01/87
OS-OMB1-C	Operations and Maintenance	Washington, DC	Provides craftmen to operate and maintain mechanical systems of HCHB.	20.0	10/01/86	09/30/87

[FR Doc. 85-2615 Filed 2-5-85; 8:45 am]
BILLING CODE 3510-BR-M

International Trade Administration

[Case No. OEE-1-85]

Order Renewing Temporary Denial of Export Privileges; Ivan Grinon

The Office of Export Enforcement, International Trade Administration, United States Department of Commerce (Department), pursuant to the provisions of Section 388.19 of the Export Administration Regulations, 15 CFR Parts 368–399 (1985)[1] (the Regulations), issued pursuant to the Export Administration Act of 1979, 50 U.S.C. app. 2401–2420 (1982), as amended by the Export Administration Amendments Act of 1985, Pub. L. 99–64, 99 Stat. 120 (July 12, 1985) (the Act), has asked that the order temporarily denying all export privileges to Ivan Grinon (Grinon), Avda de Chile, 2–0 1–A, Barcelona 28, Spain, initially issued on December 3, 1985 (50 FR 50334, December 10, 1985) be renewed.

The Department has stated that, as a result of an ongoing investigation, it has reason to believe that Ivan Grinon (Grinon) was employed by Suin, S.A. (Suin) as an engineer from January 3, 1976 to July 31, 1985. Suin and its owner, Carlos Mira Gallart (Mira), have specifically been the subjects of an order denying them all U.S. export privileges since October 14, 1982 (47 FR 47876, October 21, 1982). By its terms, the denial order also applies to all of Suin's employees. Accordingly, from October 14, 1982 to July 31, 1985, Grinon, as an employee of Suin, was subject to the provisions of the denial order.

The Department has additionally stated that it has reason to believe that, despite the prohibition in the order denying all export privileges to Suin and others and contrary to the Regulations, Grinon acted in concert with Mira and others to effect the reexport of U.S.-origin integrated circuit manufacturing and testing equipment and related U.S.-origin technology from Spain to proscribed destinations without the required export licenses or reexport authorizations from the Department.

The Department now states it continues to have reason to believe that, since leaving the employment of Suin on July 31, 1985, Grinon has actively sought work assignments that would involve unauthorized reexports of U.S.-origin equipment from Spain. The Department further states its continuing belief that the general circumstances of Grinon's past activities in violation of both the denial order and the Regulations, coupled with his current active solicitation for job offers for substantially similar activities, demonstrate the likelihood of future violations unless action is taken to preclude such attempts. The Department states that renewal of the order

[1] Parts 387 and 388 were amended on December 24, 1985 (50 FR 53130, December 30, 1985).

temporarily denying export privileges to Ivan Grinon is necessary in order to give notice to companies in the United States and abroad to cease dealing with Grinon in goods and technical data subject to the Regulations in order to reduce the likelihood that he will continue to engage in activities which are in violation of the Regulations.

Based upon the showing made by the Department, I find that renewal of the order temporarily denying all export privileges to Ivan Grinon and to any person now or hereafter related to him is necessary in the public interest to prevent an imminent violation of the Act and the Regulations. This order is issued without a hearing, the respondent's not having filed any opposition to the Department's renewal request within the time specified in § 388.19(d)(2) of the Regulations.

Accordingly, it is hereby Ordered

I. All outstanding validated export licenses in which the respondent appears or participates, in any manner or capacity, are hereby revoked and shall be returned forthwith to the Office of Export Licensing for cancellation.

II. The respondent, his successors or assignees, officers, partners, representatives, agents, and employees hereby are denied all privileges of participating, directly or indirectly, in any manner or capacity, in any transaction involving commodities or technical data exported or to be exported from the United States, in whole or in part, or that are othewise subject to the Regulations. Without limiting the generality of the foregoing, participation, either in the United States or abroad, shall include participation, directly or indirectly, in any manner or capacity: (a) As a party or as a representative of a party to a validated export license application, (b) in preparing or filing any export license application or reexport authorization, or any document to be submitted therewith, (c) in obtaining or using any validated or general export license or other export control document, (d) in carrying on negotiations with respect to, or in receiving, ordering, buying, selling, delivering, storing, using, or disposing of, in whole or in part, any commodities or technical data exported from the United States, or to be exported, and (e) in financing, forwarding, transporting, or other servicing of such commodities or technical data. Such denial of export privileges shall extend only to those commodities and technical data which are subject to the Act and the Regulations.

III. After notice and opportunity for comment, such denial may be made applicable to any person, firm, corporation, or business organization with which respondent is now or hereafter may be related by affiliation, ownership, control, position of responsibility, or other connection in the conduct of export trade or related services.

IV. No person, firm, corporation, partnership or other business organization, whether in the United States or elsewhere, without prior disclosure to and specific authorization from the Office of Export Licensing shall, with respect to U.S.-origin commodities and technical data, do any of the following acts, directly or indirectly, or carry on negotiations with respect thereto, in any manner or capacity, on behalf of or in any association with the respondent or any related party, or whereby the respondent or any related party may obtain any benefit therefrom or have any interest or participation therein, directly or indirectly: (a) Apply for, obtain, transfer, or use any license, Shipper's Export Declaration, bill of lading, or other export control document relating to any export, reexport, transshipment, or diversion of any commodity or technical data exported in whole or in part, or to be exported by, to, or for the respondent denied export privileges; or (b) order, buy, receive, use, sell, deliver, store, dispose of, forward, transport, finance, or otherwise service or participate in any export, reexport, transshipment, or diversion of any commodity or technical data exported or to be exported from the United States.

V. In accordance with the provisions of § 388.19(e) of the Regulations, the respondent may, at any time, appeal this temporary denial order by filing with the Office of the Administrative Law Judges, U.S. Department of Commerce, Room H-6716, 14th Street and Constitution Avenue, NW., Washington, DC 20230, a full written statement in support thereof.

VI. Pursuant to Section 388.19(d)(2)(iii), I am issuing this order today upon the expiration of the time specified for receipt by me of any opposition by the respondent to the Department's renewal request. This order shall become effective on February 2, 1986 and shall remain in effect for 60 days.

VII. In accordance with the provisions of § 388.19(d) of the Regulations, the Department may seek renewal of this temporary denial order by filing a written request not later than 20 days before the expiration date. The respondent may oppose any request to renew this temporary denial order by filing a written submission with the Deputy Assistant Secretary for Export Enforcement, which must be received not later than seven days before the expiration date of this order.

A copy of this order renewing the temporary denial of export privileges to Ivan Grinon shall be served upon the respondent and published in the Federal Register.

Dated: January 31, 1986.

Theodore W. Wu,

Deputy Assistant Secretary for Export Enforcement.

[FR Doc. 86-2637 Filed 2-5-86; 8:45 am]

BILLING CODE 3510-DS-M

Automated Manufacturing Equipment Technical Advisory Committee; Partially Closed Meeting

A meeting of the Automated Manufacturing Equipment Technical Advisory Committee will be held February 26, 1986 9:30 a.m., Herbert C. Hoover Building, Room 3407, 14th Street and Constitution Avenue, NW., Washington, DC.

The Committee advises the Office of Technology and Policy Analysis with respect to technical questions which affect the level of export controls applicable to Automated Manufacturing Equipment and related technology.

Agenda

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. 1986 Plan.
4. Programmable Controllers.
5. Numerical Control Equipment.
6. Precision Inspection Equipment.
7. Sensory Systems.
8. Electric Arc Devices/Isostatic Presses.
9. Bearing Production Equipment.
10. Local Area Networking.

Executive Session

11. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

The general session of the meeting will be open to the public and a limited number of seats will be available. To the extent time permits, members of the public may present oral statements to the Committee. Written statements may be submitted at any time before, or after the meeting.

The Assistant Secretary for Administration, with the concurrence of the delegate of the General Counsel, formally determined on January 10, 1986, pursuant to section 10(d) of the Federal Advisory Committee Act, as amended by section 5(c) of the Government In

The Sunshine Act, Pub. L. 94–409, that the matters to be discussed in the Executive Session should be exempt from the provisions of the Federal Advisory Committee Act relating to open meetings and public participation therein, because the Executive Session will be concerned with matters listed in 5 U.S.C. 552b(c)(1) and are properly classified under Executive Order 12356.

A copy of the Notice of Determination to close meetings or portions thereof is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, Telephone: (202) 377–4217. For further information or copies of the minutes contact Liga Hagenah, 202–377–2583.

Dated: January 31, 1986.

Margaret A. Cornejo,

Acting Director, Technical Support Staff, Office of Technology and Policy Analysis.

[FR Doc. 86–2641 Filed 2–5–86; 8:45 am]

BILLING CODE 3510-DT-M

Electronic Instrumentation Technical Advisory Committee; Open Meeting

A meeting of the Electronic Instrumentation Technical Advisory Committee will be held in open session February 27 and 28, 1986 at 9:30 a.m., Herbert C. Hoover Building, 14th and Constitution Constitution Avenue, NW., Washington, DC. The meeting for both days will be held in Room 6029.

Agenda

The Committee will begin the open meeting by inviting public comments with regards to medical instrumentation.

Invited comments will be restricted to these or substantially related items. In particular the Committee would like to invite public comments in the application of computers and lasers in medical instrumentation.

If you wish to attend this open meeting of the Electronic Instrumentation Technical Advisory Committee, please call or write Liga Hagenah at (202) 377–4959, U.S. Department of Commerce 14th & Constitution Ave., NW. Washington, DC at least five working days in advance in order to reserve as seat as available space is limited. With this advance notice, arrangement can be made for more space, should that be necessary. Written statements may be submitted at any time before or after the meeting.

For further information or copies of the minutes, telephone 202–377–4959.

Dated: January 31, 1986.

Margaret A. Cornejo,

Acting Director, Technical Support Staff Office of Technology and Policy Analysis.

[FR Doc. 86–2642 Filed 2–5–86; 8:45 am]

BILLING CODE 3510-DT-M

Semiconductor Technical Advisory Committee; Partially Closed Meeting

SUMMARY: The Semiconductor Technical Advisory Committee was initially established on January 3, 1973, and rechartered on January 10, 1986 in accordance with the Export Administration Act of 1979 and the Federal Advisory Committee Act.

TIME AND PLACE: February 27, 1986 at 9:00 a.m., Herbert C. Hoover Building, Room 6802, 14th Street and Constitution Ave., NW., Washington, DC.

Agenda

General Session

1. Opening remarks by the Chairman.
2. Presentation of papers or comments by the public.
3. Presentation by LAM Research on state-of-the-art dry etch systems.
4. Approval of minutes of last meeting.
5. Action items underway.
6. Action items due at next meeting.

Executive Session

7. Discussion of matters properly classified under Executive Order 12356, dealing with the U.S. and COCOM control program and strategic criteria related thereto.

Public Participation

The General Session will be open to the public and a limited number of seats will be available. To the extent time permits members of the public may present oral statements to the Committee. Written statements may be submitted at any time before or after the meeting.

SUPPLEMENTARY INFORMATION: A notice of Determination to close meetings or portions of meetings of the Committee to the public on the basis of 5 U.S.C. 552b(c)(1) was approved on January 10, 1986, in accordance with the Federal Advisory Committee Act. A copy of the Notice is available for public inspection and copying in the Central Reference and Records Inspection Facility, Room 6628, U.S. Department of Commerce, telephone: 202–377–4217. For further information or copies of the minutes call 202–377–2583.

Dated: January 30, 1986.

Margaret A. Cornejo,

Acting Director, Technical Support Staff, Office of Technology and Policy Analysis

[FR Doc. 86–2643 Filed 2–5–86; 8:45 am]

BILLING CODE 3510-DT-M

Short Supply Review on Certain Steel Products; Request for Comments

AGENCY: International Trade Administration/Import Administration, Commerce.

ACTION: Notice and Request for comments.

SUMMARY: The Department of Commerce hereby announces its review of a request for a short supply determination under Article 8 of the U.S.-EC Arrangement on Certain Steel Products with respect to grade M5 grain oriented silicon electrical steel strip.

EFFECTIVE DATE: Comments must be submitted no later than ten days from publication of this notice.

ADDRESS: Send all comments to Joseph A. Spetrini, Director, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave. NW., Washington, DC 20230, Room 3099.

FOR FURTHER INFORMATION CONTACT: Nicholas C. Tolerico, Office of Agreements Compliance, Import Administration, U.S. Department of Commerce, 14th and Constitution Ave. NW., Washington, DC 20230, Room 3087B, (202) 377–4036.

SUPPLEMENTARY INFORMATION: Article 8 of the U.S.-EC Arrangement on Certain Steel Products provides that if the U.S. ". . . determines that because of abnormal supply or demand factors, the U.S. steel industry will be unable to meet demand in the USA for a particular product (including substantial objective evidence such as allocation, extended delivery periods, or other relevant factors), an additional tonnage shall be allowed for such product . . ."

We have received a short supply request for the following product: Grain Oriented Silicon Electrical Steel Strip: grade M5, with a thickness of 12 mil and a Rockwell hardness of 88 ±3. Slit in rolls to widths varying between 50–160 mm.

Any party interested in commenting on this request should send written comments as soon as possible, and no later than ten days from publication of this notice. Comments should focus on the economic factors involved in granting or denying this request.

Commerce will maintain this request and all comments in a public file. Anyone submitting business proprietary information should clearly identify that portion of the submission and also provide a non-proprietary submission which can be placed in the public file. This public file will be maintained in the Central Records Unit, Import Administration, U.S. Department of Commerce, Room B-099 at the above address.

Gilbert B. Kaplan,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 86-2644 Filed 2-5-86; 8:45 am]

BILLING CODE 3510-DS-M

Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review

AGENCY: International Trade Administration, Import Administration, Department of Commerce.

ACTION: Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation.

Background

Each year during the anniversary month of the publication of an antidumping or countervailing duty order, finding, or suspension of investigation, an interested party as defined in section 771(9) of the Tariff Act of 1930 may request, in accordance with § 353.53a or 355.10 of the Commerce Regulaitons, that the Department of Commerce ("the Department") conduct an administrative review of that antidumping or countervailing duty order, finding, or suspended investigation.

Opportunity To Request a Review

Not later than February 28, 1986, interested parties may request administrative review of the following orders, findings, or suspended investigations, with anniversary dates in February, for the following periods:

	Period
Antidumping duty proceeding:	
Melamine in crystal form from Japan	02/01/85-01/31/86
Railway track maintenance equipment from Austria	02/01/85-01/31/86
Birch 3-ply doorskins from Japan	02/01/85-01/31/86
Racing plates from Canada	02-01-85-01/31/86
Countervailing duty proceeding:	
Oil country tubular goods from Brazil	09/12/84-09/30/84
Stainless steel products from Brazil	01/01/85-12/31/85
Polypropylene yarn from Mexico	01/01/85-12/31/85
Cotton sheeting and sateen from Peru	01/01/85-12/31/85
Cotton yarn from Peru	01/01/85-12/31/85
Flat-rolled steel products from South Korea	09/18/84-09/30/84
Oil country tubular goods from Spain	09/12/84/-09/30/84

A request must conform to the Department's interim final rule published in the **Federal Register** (50 FR 32556) on August 13, 1985. Seven copies of the request should be submitted to the Deputy Assistant Secretary for Import Administration, International Trade Administration, Room 5-099, U.S. Department of Commerce, Washington, D.C. 20230.

The Department will publish in the **Federal Register** a notice of "Initiation of Antidumping (Countervailing) Duty Adminstrative Review," for requests received by February 28, 1986.

If the Department does not receive by February 28, 1986, a request for review of entries covered by an order or finding listed in this notice and for the period identified above, the Department will instruct the Customs Service to assess antidumping or countervailing duties on those entries at a rate equal to the cash deposit of (or bond for) estimated antidumping or countervailing duties required on those entries at the time of entry, or withdrawal from warehouse for consumption and to continue to collect the cash deposit previously ordered.

This notice is not required by statute but is published as a service to the international trading community.

Dated: January 30, 1986.

Gilbert B. Kaplan,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 86-2606 Filed 2-5-86; 8:45 am]

BILLING CODE 3510-DS-M

Applications for Duty-Free Entry of Scientific Instruments

Pursuant to section 6(c) of the Educational, Scientific and Cultural Materials Importation Act of 1966 (Pub. L. 89-651; 80 Stat. 897; 15 CFR Part 301), we invite comments on the question of whether instruments of equivalent scientific value, for the purposes for which the instruments shown below are intended to be used, are being manufactured in the United States.

Comments must comply with § 301.5(a)(3) and (4) of the regulations and be filed within 20 days with the Statutory Import Programs Staff, U.S. Department of Commerce, Washington, DC 20230. Applications may be examined between 8:30 A.M. and 5:00 P.M. in Room 1523, U.S. Department of Commerce, 14th and Constitution Avenue, NW., Washington, DC.

Docket No. 86-077. Applicant: The Hospital of the University of Pennsylvania, 3400 Spruce Street, Philadelphia, PA 19104. Instrument: Electron Microscope, Model H-600-2 with Accessories. Manufacturer: Hitachi Scientific Instruments, Japan. Intended use: The instrument is intended to be used for examination of human and animal tissues and cells from different disease states such as cancer, degenerative cardiovascular disease, diabetes or viral infections. The instrument will also be used to train pathologists and technicians in the changes that occur in tissues as a result of disease. Application received by Commissioner of Customs: December 13, 1985.

Docket No. 86-078. Applicant: State University of New York at Stony Brook, The Research Foundation of SUNY, P.O. Box 9, Albany, NY 12201. Instrument: Ultra High Pressure System. Manufacturer: Sumitomo Heavy Industries, Japan. Intended use: The instrument will be used to study oxide and silicate minerals and their chemical analogues in order to understand more fully the behavior and properties of these materials under ultra high pressure conditions. In addition, the instrument will be used for educational purposes in the courses: ESS 531—Crystalline Solids and ESS 556—Solid State Geophysics. Application received by Commissioner of Customs: December 13, 1985.

Docket No. 86-079. Applicant: Lutheran Institute of Human Ecology, 1775 West Dempster, Park Ridge, IL 60068. Instrument: Electron Microscope, Model H-600-3 with Accessories. Manufacturer: Hitachi, Limited, Japan. Intended use: The instrument is intended to be used to examine biological tissue samples removed from patients during surgery. The material is examined for diagnostic purposes. The results of these studies are then compared to other studies and a formal diagnosis is formulated upon which is based future treatment of the patient. The results of postmortem studies are also used for formulating diagnoses for other patients. These studies will also assist in the generation of data for publication or in conducting educational seminars related to specific diseases. Application received by Commissioner of Customs: December 13, 1985.

Docket No. 86-080. Applicant: NASA Lewis Research Center, 21000 Brookpark Road, Cleveland, OH 44135. Instrument: ARC Lamp System. Manufacturer:

Vortek Industries, Limited, Canada. Intended use: The instrument is to be used in a research effort whose objective is to design and fabricate a system for steady-state and transient calibration and durability testing of heat flux sensors for use in space shuttle main engine turbine blades. Development will rely on experiment and analysis from many interdisciplinary fields of research including thin-film and wire thermocouples, materials, heat transfer, optics and electric arc phenomena. Application received by Commissioner of Customs: December 13, 1985.

Docket No. 86–083. Applicant: USDA, ARS, U.S. Plant, Soil and Nutrition Laboratory, Tower Road, Ithaca, NY 14853. Instrument: ICP/Mass Spectrometer, Model 250. Manufacturer: Sciex Incorporated, Canada. Intended use: The instrument will be used for conducting a variety of studies in the soil and plant sciences as well as animal and human nutrition. These include studies on the chemical forms of elements in soils, their movement through soils to the root-soil interface, transport across the root-cell membrane, translocation to the various parts of plants, chemical forms of the elements in plants, absorption and bioavailability of the elements to animals and humans, and finally, their biochemical functions in animals and/or humans. The overall research objectives are to improve the nutritional quality of plant foods and to improve the efficiency with which animals and people utilize the nutrients provided by plant foods. Applicant received by Commissioner of Customs: December 13, 1985.

Docket No.: 86–084. Applicant: University of Southern Mississippi, Department of Polymer Science, Box 10076, Hattieburg, MS 39606–0076. Instrument: Excimer Laser, Model HE440–SM–B with Power Supplies and Accessories. Manufacturer: Lumonics Incorporated, Canada. Intended use: The instrument is intended to be used to investigate the photophysical and photochemical properties of thiazine and oxazine dyes, dihydropyridines, arene sulfonyl azides and their charge-transfer complexes with amines and alkyl N-arylcarbamates, alkyl N-arylbiscarbamates, and polyurethanes based on aromatic diisocyanates. The research will be conducted in an attempt to obtain a better understanding of the mechanistic events which occur between laser light absorption by the sample and formation of a stable, isolable photoproduct. The instrument will also be used to develop student research expertise in the courses: Chemistry, CHE 496, 496L Special Projects. Chemistry, CHE 791. Research in Chemistry and Polymer Science PSE 490, 490L, 491L. Special Projects in Polymer Science. Application received by Commissioner of Customs: December 13, 1985.

Docket No.: 86–085. Applicant: University of California, Davis, CA 95616. Instrument: Excimer Laser HE–420 with Accessories. Manufacturer: Lumonics Research Limited, Canada. Intended use: The instrument is intended to be used for the study of the photodissociation chemistry of a variety of organic molecules in the gas phase. Experiments will be conducted to obtain fundamental data on the rates and mechanisms of several classes of elementary chemical reactions. Application received by Commissioner of Customs: December 13, 1985.

Docket No.: 86–086. Applicant: University of California, Los Alamos National Laboratory, P.O. Box 990, Los Alamos, NM 87545. Instrument: Camera, X-Ray Streak. Manufacturer: Kentech Instruments Limited, United Kingdom. Intended use: The instrument will be used to study the temporal properties of the x-ray emission from laser produced plasmas. Experiments will be performed in the areas of thermal electron transport, x-ray conversion efficiency and implosion diagnostics. The investigations will be conducted to obtain a better understanding of the coupling of laser energy to targets and their subsequent implosion. Application received by Commissioner of Customs: December 16, 1985.

(Catalog of Federal Domestic Assistance Program No. 11.105, Importation of Duty-Free Educational and Scientific Materials)

Frank W. Creel,

Director, Statutory Import Programs Staff.

[FR Doc. 86–2645 Filed 2–5–86; 8:45 am]

BILLING CODE 3510-DS-M

Minority Business Development Agency

Financial Assistance Application Announcements; California

AGENCY: Minority Business Development Agency, Commerce.

ACTION: Notice.

SUMMARY: The Minority Business Development Agency (MBDA) announces that it is soliciting applications under its Minority Business Development Center (MBDC) Program to operate a MBDC for a 3 year period, subject to available funds. The cost of performance for the first 12 months is estimated at $341,176 for the project performance period of July 1, 1986 to June 30, 1987. The MBDC will operate in the Riverside Metropolitan Statistical Area (MSA). The first year cost for the MBDC will consist of $290,000 in Federal funds and a minimum of $51,176 in non-Federal funds (which can be a combination of cash, in-kind contribution and fees for services).

The I. D. Number for this project will be 09–10–86020*01.

The funding instrument for the MBDC will be a cooperative agreement and competition is open to individuals, nonprofit and for-profit organization, local and state governments, American Indian tribes and educational institutions.

The MBDC will provide management and technical assistance to eligible clients for the establishment and operation of businesses. The MBDC program is designed to assist those minority businesses that have the highest potential for success. In order to accomplish this, MBDA supports MBDC programs that can: coordinate and broker public and private sector resources on behalf of minority individuals and firms; offer them a full range of management and technical assistance; and serve as a conduit of information and assistance regarding minority business.

Applications will be judged on the experience and capability of the firm and its staff in addressing the needs of minority business individuals and organizations; the resources available to the firm in providing management and technical assistance; the firm's proposed approach to performing the work requirements included in the application; and the firm's estimated cost for providing such assistance. It is advisable that applicants have an existing office in the geographic region for which they are applying.

The MBDC will operate for a three (3) year period with periodic reviews culminating in annual evaluations to determine if funding for the project should continue. Continued funding will be at the discretion of MBDA based on such factors as the MBDC's satisfactory performance, the availability of funds, and Agency priorities.

A pre-application conference to assist all interested applicants will be held at the following address and time: Minority Business Development Agency, U.S. Department of Commerce, 221 Main Street, Room 1280, San Francisco, California 94105.

February 21, 1986 at 10:00 A.M.

Proposals are to be Mailed to the following address: Minority Business Development Agency, U.S. Department of Commerce, San Francisco Regional Office, 221 Main Street, Room 1280, San Francisco, California 94105, 415/974–9597.

Closing Date: The closing date for applications is March 18, 1986. Applications must be postmarked by midnight March 18, 1986.

FOR FURTHER INFORMATION CONTACT: Dr. Xavier Mena, Regional Director, San Francisco Regional Office.

SUPPLEMENTARY INFORMATION: Questions concerning the preceding information, copies of application kits and applicable regulations can be obtained at the above address.

(11.800 Minority Business Development [Catalog of Federal Domestic Assistance])

Xavier Mena, *Regional Director, San Francisco Regional Office.*

January 31, 1986.

[FR Doc. 86–2599 Filed 2–5–86; 8:45 am]

BILLING CODE 3510–21–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Increase in Limits for Certain and Man-Made Fiber Textile Products Produced or Manufactured in Indonesia

February 3, 1986.

The Chairman of the Committee for the Implementation of Textile Agreements (CITRA), under the authority contained in E.O. 11651 of March 3, 1972, as amended, has issued the directive published below to the Commissioner of Customs to be effective on February 4, 1986. For further information contact Jane Corwin, International Trade Specialist (202) 377–4212.

Background

On November 6, 1985 a notice was published in the **Federal Register** (50 FR 46151) which announced that, effective on November 6, 1985, a level of 130,000 dozen pairs would be applied to work gloves in Category 631pt. (only T.S.U.S.A. numbers 704.3215, 704.8525, 704.8550 and 704.9000), produced or manufactured in Indonesia and imported during each of five thirty-day periods beginning on November 6, 1985 and extending through April 4, 1986 which were exported during the restraint period which began on September 17, 1984 and extended through June 30, 1985. The purpose of this notice is to advise the public that the Governments of the United States and Indonesia have agreed, pursuant to the terms of the Bilateral Cotton, Wool and Man-Made Fiber Textile Agreement of September 25, and October 3, 1985, to increase the monthly increment to 200,000 dozen pairs for the thirty-day period beginning on February 4, 1986. (The level will revert to 130,000 dozen pairs for the thirty-day period beginning on March 6, 1986.) In the letter which follows this notice, the Chairman of the Committee for the Implementation of Textile Agreements directs the Commissioner of Customs to increase this amount accordingly.

A description of the textile categories in terms of T.S.U.S.A. numbers was published in the **Federal Register** on December 13, 1982 (47 FR 55709), as amended on April 7, 1983 (48 FR 15175), May 3, 1983 (48 FR 19924), December 14, 1983 (48 FR 55607), December 30, 1983 (48 FR 57584), April 4, 1984 (49 FR 13397), June 28, 1984 (49 FR 26622), July 16, 1984 (49 FR 28754), November 9, 1984 (49 FR 44782), and in Statistical Headnote 5, Schedule 3 of the Tariff Schedule of the United States Annotated (1985).

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textiles Agreements.

February 3, 1986.

Committee for the Implementation of Textile Agreements

Commissioner of Customs,
Department of the Treasury, Washington, D.C. 20229

Dear Mr. Commissioner: Effective on February 4, 1986, this directive amends, but does not cancel, the directive of October 31, 1985 to increase to 200,000 dozen pairs the amount of man-made fiber textile products in Category 631pt.[1] produced or manufactured in Indonesia, to be permitted entry for consumption or withdrawal from warehouse for consumption in the United States during the thirty-day period beginning on February 4, 1986. The amount will revert to 130,000 dozen pairs for the period beginning on March 6, 1986.

The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. (a)(1).

Sincerely,

Ronald I. Levin,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 86–2646 Filed 2–5–86; 8:45 am]

BILLING CODE 3510–DR–M

[1] In Category 631, only T.S.U.S.A. numbers 704.3215, 704.8550 and 705.9000.

DEPARTMENT OF DEFENSE

GENERAL SERVICES ADMINISTRATION

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

Federal Acquisition Regulation; Information Collection Activities Under OMB Review

AGENCY: Department of Defense (DOD), General Services Administration (GSA), and National Aeronautics and Space Administration (NASA).

ACTION: Notice.

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35), the Federal Acquisition Regulation (FAR) Secretariat has submitted to the Office of Management and Budget (OMB) a request to review and approve an extension of a currently approved information collection.

ADDRESS: Send comments to Franklin S. Reeder, FAR Desk Officer, Room 3235, NEOB, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Mr. C.W. Mathews, Office of Federal Acquisition and Regulatory Policy, (202) 523–3856.

SUPPLEMENTARY INFORMATION:

a. *Purpose:* This request covers recordkeeping requirements and the collection of information regarding the Affidavit of Individual Surety, Standard Form (SF) 28, to be used by individuals applying as sureties for Government penal bonds.

b. *Annual reporting burden:* The annual reporting burden is estimated as follows: Respondents, 500; responses, 715; and reporting and recordkeeping hours, 286.

Obtaining Copies of Proposals: Requesters may obtain copies from the FAR Secretariat (VRS), Room 4041, GS Building, Washington, DC 20405, telephone (202) 523–4755. Please cite OMB Control No. 9000–0001.

Dated: January 31, 1986.

Margaret A. Willis,

FAR Secretariat.

[FR Doc. 86–2597 Filed 2–5–86; 8:45 am]

BILLING CODE 6820–61–M

DEPARTMENT OF EDUCATION

Elementary Education Study Group; Meeting

AGENCY: Office of the Secretary of Education.

ACTION: Notice of meeting.

SUMMARY: Notice is hereby given that the Secretary of Education will conduct a meeting on information and ideas about the improvement of elementary education in the United States.

DATE: February 11, 1986 at 9:00 a.m.–4:00 p.m.

ADDRESS: The Horace Mann Learning Center Auditorium, 400 Maryland Avenue, SW., Washington, DC 20202.

FOR FURTHER INFORMATION CONTACT: Nelson Smith Staff Director, Elementary Education Study Group, Room 556, 1200 19th Street, NW., Washington, DC 20208. Telephone (202) 254–9721.

SUPPLEMENTARY INFORMATION: This third public meeting of the Elementary Education Study Group will review recent visits made by members of the panel to elementary shcools; will consider the role of the principal in providing educational leadership in elementary education; and will address the "hidden curriculum" of character formation in elementary schools.

Dated: February 4, 1986.

William J. Bennett,

Secretary of Education.

[FR Doc. 86–2747 Filed 2–4–86; 8:45 am]

BILLING CODE 4000–01–M

ENVIRONMENTAL PROTECTION AGENCY

[OPPE–FRL–2965–9]

Agency Information Collection Activities Under OMB Review

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 3507(a)(2)(B) of the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.)* requires the Agency to publish in the **Federal Register** a notice of proposed information collection requests (ICRs) that have been forwarded to the Office of Management and Budget (OMB) for review. The ICR describes the nature of the solicitation and the expected impact, and where appropriate includes the actual data collection instrument. The following ICR is available for review and comment.

FOR FURTHER INFORMATION CONTACT: Nanette Liepman, (202) 382–2740 or FTS 382–2740.

SUPPLEMENTARY INFORMATION:

Office of Air and Radiation

Title: Annual Motor Vehicle Tampering Survey (EPA #0114). (This is an extension of an existing ICR; no change is proposed.)

Abstract: This is a survey of in-use vehicles to assess the degree and type of tampering with vehicle emission controls. An annual survey is required to assess trends in this rate and to provide data necessary for modeling the air quality impacts of State and local programs to control tampering and fuel switching.

Respondents: Individual motorists.

Agency PRA Clearance Requests Completed by OMB

EPA #0229; NPDES Discharge Monitoring Report, was approved 11/8/85 (OMB #2040–0004; expires 12/31/86).

EPA #1190; Hazardous Waste Management Industry Screening Census, was approved 1/13/86 (OMB #2050–0055; expires 1/31/88).

EPA #1223; Use of Department of Defense Style System for Collecting Fiscal Status Information from AEERL Contractors, was approved 12/19/85 (OMB #2080–0009; expires 12/31/88).

Comments on all parts of this notice may be sent to:

Nanette Liepman, U.S. Environmental Protection Agency, Office of Standards and Regulations (PM–223), Information and Regulatory Systems Divisions, 401 M Street, SW., Washington, DC 20460

and

Wayne Leiss, Office of Management and Budget, Office of Information and Regulatory Affairs, New Executive Office Building (Room 3228), 726 Jackson Place, NW., Washington, DC 20503

Dated: January 31, 1986.

Daniel J. Fiorino,

Acting Director, Information and Regulatory Systems Division.

[FR Doc. 86–2586 Filed 2–5–86; 8:45 am]

BILLING CODE 6560–50–M

[A–9–FRL–2966–1]

Air Quality; Approval of Prevention of Significant Deterioration (PSD); Permit to Cogeneration National Corporation (EPA Project No. SJ 85–05)

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice is hereby given that on December 31, 1985 the Environmental Protection Agency issued a PSD permit under EPA's federal regulations 40 CFR 52.21 to the applicant named above. The PSD permit grants approval to construct the Port of Stockton District Energy Facility, a 49.2 megawatt (gross) fluidized bed combustion cogeneration system to be located in Stockton, San Joaquin County, California. The permit is subject to certain conditions, including an allowable emission rate as follows: SO_2 at 26 lbs/hr, and NO_x at 30 ppmdv at 3% O_2.

FOR FURTHER INFORMATION: Copies of the permit are available for public inspection upon request; address request to: Anita Tenley (A–3–1), U.S. Environmental Protection Agency, Region 9, 215 Fremont Street, San Francisco, CA 94105, (415) 974–8240, FTS 454–8240.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include limestone injection, selective noncatalytic ammonia injection (SNCR), and circulating fluidized bed combustion.

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by April 7, 1987.

Dated: January 24, 1986.

David P. Howekamp,

Director, Air Management Division, Region 9.

[FR Doc. 86–2585 Filed 2–5–86; 8:45 am]

BILLING CODE 6560–50–M

[A–9–FRL–2966–2]

Approval of Prevention of Significant Air Quality Deterioration (PSD) Permit to Kaiser Engineers (California) Corporation (EPA Project Number SFB 84–01)

AGENCY: Environmental Protection Agency (EPA), Region 9.

ACTION: Notice.

SUMMARY: Notice is hereby given that on December 31, 1985 the Environmental Protection Agency issued a PSD permit under EPA's federal regulations 40 CFR 52.21 to the applicant named above. The PSD permit grants approval to construct the Tri-Cities resource recovery project, a 10 megawatt waste-to-energy plant, to be located in Fremont, Alameda County, Caliornia. The permit is subject to certain conditions, including an allowable emission rate as follows: SO_2 at 14.3 lbs/hr, No_x at 68.5 lbs/hr, particulate matter at 4.2 lbs/hr, and mercury at 0.34 lbs/hr.

FOR FURTHER INFORMATION CONTACT: Copies of the permit are available for public inspection upon request; address request to: Anita Tenley (A–3–1), U.S. Environmental Protection Agency, Region, 9 215 Fremont Street, San

Francisco, CA 94105, (415) 974-8240, FTS 454-8240.

SUPPLEMENTARY INFORMATION: Best Available Control Technology (BACT) requirements include the use of a dry scrubber, baghouse, staged combustion and flue gas recirculation.

DATE: The PSD permit is reviewable under section 307(b)(1) of the Clean Air Act only in the Ninth Circuit Court of Appeals. A petition for review must be filed by April 7, 1986.

Dated: January 24, 1986.

David P. Howekamp,

Director, Air Management Division, Region 9.

[FR Doc. 86-2584 Filed 2-5-86; 8:45 am]

BILLING CODE 6560-50-M

FEDERAL COMMUNICATION COMMISSION

Hearing Designation Order; Bayland Aviation, Inc; et al.

In re the applications of Bayland Aviation, Inc. Salisbury, MD, PR Docket No. 86-11—File No. 354-A—25; Executive Air Services, Inc., Salisbury, MD, File No. 204-A-L-45; for an Aeronautical Advisory Station to serve Salisbury-Wicomico County Airport at Salisbury, MD.

Adopted: January 16, 1985.
Released: January 31, 1986.

1. Bayland Aviation, Inc. (Bayland) and Executive Air Services, Inc. (Executive) have each filed an application for authority to operate an aeronautical advisory station at Salisbury-Wicomico County Airport in Salisbury, Maryland. Both applicants seek a new station authorization. Each application meets the basic eligibility requirements of Part 87 of the Commission's rules. The applications captioned above are mutually exclusive under §87.251(a) of the Commission's rules which provides that only one aeronautical advisory station may be authorized at an uncontrolled airport. Accordingly, it is necessary to designate these applications for comparative hearing in order to determine whch, if any, should be granted.

2. In view of the foregoing, it is Ordered, that pursuant to the provisions of section 309(e) of the Communications Act of 1934, as amended, 47 U.S.C. 309(e), and § 0.331 of the Commission's rules, 47 CFR 0.331, the applications captioned above are hereby designated for hearing in a consolidated proceeding at a time and place to be specified in a susequent order on the following issues:

(a) To determine which applicant would provide the public with the better aeronautical advisory service based on the following comparative considerations:

(1) Location of the aviation service organization and proposed radio station in relation to the landing area and traffic patters;

(2) Hours of operation;

(3) Personnel available to provide advisory service;

(4) Experience of the applicants and their employees in aviation and aviation communications, including but not limited to operation of stations in the aviation services under Part 87 that may be or have been authorized to the applicant;

(5) Ability to provide information pertaining to primary and secondary communications as specified in § 87.257 of the Commission's rules;

(6) Proposed radio system including control and dispatch points; and

(7) Availability of the radio facilities to other aviation service organizations;

(b) To determine in light of the evidence adduced on the foregoing issues which of the applications should be granted.

3. It is further ordered, that the burden of proof and the burden of proceeding with the introduction of evidence is on each applicant with respect to its application.

4. It is further ordered, that to avail themselves of an opportunity to be heard Bayland and Executive, in person or by attorneys, must file with the Commission a written appearance, in triplicate, within 20 days of the date of this Order, stating an intention to appear on the date set for hearing and to present evidence on the issues specified in this Order. See § 1.221(c) of the Commission's rules, 47 CFR 1.221(c). Failure to file a written appearance within the time specified may result in dismissal of the application with prejudice.

Federal Communications Commission.

Robert S. Foosaner,

Chief, Private Radio Bureau.

[FR Doc. 86-2594 Filed 2-5-86; 8:45 am]

BILLING CODE 6712-01-M

FEDERAL HOME LOAN BANK BOARD

[No. 86-83]

Agency Information Collection Activities Under OMB Review

Dated: January 31, 1986.

AGENCY: Federal Home Loan Bank Board.

ACTION: Notice.

SUMMARY: The public is advised that the Federal Home Loan Bank Board has submitted a new information collection request, "FSLIC Receivership Rules—Claims Procedures," to the Office of Management and Budget for approval in accordance with the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Comments: Comments on the information collection request are welcome and should be submitted within 15 days of publication of this notice in the **Federal Register.** Comments regarding the paperwork-burden aspects of the request should be directed to: Office of Management and Budget, Office of Information and Regulatory Affairs, Washington, DC 20503, Attention: Desk Officer for the Federal Home Loan Bank Board.

The Board would appreciate commenters sending copies of their comments to the Board.

Requests for copies of the proposed information collection request and supporting documentation are obtainable at the Board address given below: Director, Information Services Section, Office of Secretariat, Federal Home Loan Bank Board, 1700 G Street, NW., Washington, DC 20552, Phone: 202-377-6933.

FOR FURTHER INFORMATION CONTACT: Mary Rawlings-Milton, Office of General Counsel. Phone: (202) 377-7048.

By the Federal Home Loan Bank Board.

Nadine Y. Penn,

Acting Secretary.

[FR Doc. 86-2592 Filed 2-5-86; 8:45 am]

BILLING CODE 6720-01-M

[No. 86-84]

Western Savings & Loan Association, Phoenix, AZ; Application To Withdraw Securities From Listing and Registration on American Stock Exchange

Dated: January 31, 1986.

Western Savings & Loan Association, Phoenix, Arizona (the "Association") has filed on December 16, 1985 pursuant to Securities Exchange Act ("Exchange Act") section 12(d) and Exchange Act Rule 12d2-2(d) an application with the Federal Home Loan Bank Board ("Board") to withdraw from listing and registration on the American Stock Exchange its $1.00 par value Permanent Reserve Guarantee Stock (the "Stock"). The Association's Stock was approved for listing and registration on the New York Stock Exchange on November 27, 1985.

The reasons stated in the Association's application for withdrawing the securities from the

listing and registration on the American Stock Exchange include the following:

1. The direct and indirect costs and expenses attendant on maintaining the dual listing of the Stock on the New York Stock Exchange and the American Stock Exchange are not justified.

2. The belief that dual listing would fragment the market for the Stock without offsetting benefits.

3. The American Stock Exchange has no objection to the withdrawal of the Association's Stock from listing on the American Stock Exchange.

4. The withdrawal from listing of the Association's Stock from the American Stock Exchange shall have no effect upon the continued listing of the Stock on the New York Stock Exchange.

5. By reason of section 12(b) of the Securities Exchange Act of 1934 and the rules and regulations thereunder, the Association shall continue to be obligated to file reports under section 13 of that Act with the Federal Home Loan Bank Board and the New York Stock Exchange.

Any interested person may inspect the application at the Board and, on or before February 20, 1986, submit by letter to the Corporate and Securities Division, Office of General Counsel, Federal Home Loan Bank Board, 1700 G Street NW., Washington, DC 20552, facts bearing upon whether the application has been made in accordance with the rules of the American Stock Exchange and what terms, if any, should be imposed by the Board for the protection of investors. The Board, based on the information submitted to it, will issue an order granting the application after the date mentioned above, unless the Board determines to order a hearing on the matter.

By the Federal Home Loan Bank Board.

Nadine Y. Penn,

Acting Secretary.

[FR Doc. 86-2593 Filed 2-5-86; 8:45 am]

BILLING CODE 6720-01-M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Center for Disease Control

Cooperative Agreement; University of North Carolina Training and Institutional Development in Health Education; Selected Primary Health Care Interventions in Sub-Saharan Africa; Availability of Funds for Fiscal Year 1986

The Centers for Disease Control announces the availability of funds in Fiscal Year 1986 for a cooperative agreement with the University of North Carolina School of Public Health for assistance in the development of a program of training and institutional development in health education in support of selected primary health care interventions in sub-Saharan Africa. This program is authorized under a delegation of legislative authority from the U.S. Agency for International Development (AID), in accordance with the Foreign Assistance Act of 1961, as amended.

The cooperative agreement requires close collaboration with an established MPH-level program in health education with demonstrated experience in health education training and practice in both French-speaking and English-speaking countries of sub-Saharan Africa. The program should have an existing institutional relationship in the areas of research and training with the African Regional Health Education Centre, University of Ibadan, Nigeria. The Department of Health Education, School of Public Health, University of North Carolina has the only such program in the United States.

This is not a formal request for applications, and other applications will not be accepted. It is expected that approximately $200,000 will be available in Fiscal Year 1986 to support this project for the first year of a 3-year project period.

FOR FURTHER INFORMATION CONTACT: Leo A. Sanders, Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control, 255 East Paces Ferry Road, N.E., Room 321, Atlanta, Georgia 30305, Telephone: (404) 262-6575 or FTS 236-6575.

Dated: January 30, 1986.

Robert L. Foster,

Acting Director, Office of Program Support, Centers for Disease Control.

[FR Doc. 86-2598 Filed 2-5-86; 8:45 am]

BILLING CODE 4160-18-M

Food and Drug Administration

[Docket No. 83P-0166]

Canned Tuna in Water Deviating From Identity Standard; Amendment of Temporary Permit for Market Testing

AGENCY: Food and Drug Administration.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a temporary permit to market test canned tuna in water seasoned with vegetable oil is being amended to reflect a change in name of the permit holder.

FOR FURTHER INFORMATION CONTACT: Karen L. Carson, Center for Food Safety and Applied Nutrition (HFF-215), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202-485-0110.

SUPPLEMENTARY INFORMATION: A temporary permit was issued under the provisions of 21 CFR 130.17 to Ralston Purina Co., St. Louis, MO 63164, to market test for interstate commerce canned tuna in water seasoned with vegetable oil and containing xanthan gum as an emulsifying agent and suspending agent. The permit was issued in order to facilitate market testing of foods that deviate from the requirements of the standard of identity promulgated under section 401 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 341). Notice of issuance of the temporary permit of Ralston Purina Co. was published in the **Federal Register** of June 7, 1983 (48 FR 26361). Subsequently, Ralston Purina Co. requested that the temporary permit be extended and petitioned to amend the standard of identity for canned tuna. The expiration date of the permit was changed in a notice published in the **Federal Register** of October 25, 1984 (49 FR 42985). The new expiration date is either the effective date of a final rule for any proposal to amend the standard of identity for canned tuna which may result from the petition Ralston Purina Co. submitted, or 30 days after termination of such a proposal.

Since the permit was issued and the expiration date changed, the seafood division of Ralston Purina Co. has become a wholly owned subsidiary, Van Camp Seafood Co., Inc. Ralston Purina Co. has requested that the temporary permit be amended to reflect the change in the name of the permit holder. Accordingly, FDA is amending the temporary permit to indicate that Van Camp Seafood Co., Inc., is the permit holder and that company name will be declared as the manufacturer on the test product label.

Therefore, FDA is amending the permit to change the name under which the permit is held. All other conditions and terms of this permit remain the same.

Dated: January 24, 1986.

Sanford A. Miller,

Director, Center for Food Safety and Applied Nutrition.

[FR Doc. 86-2564 Filed 2-5-86; 8:45 am]

BILLING CODE 4160-01-M

Health Care Financing Administration

Medicaid Program; Hearing on Reconsideration of Disapproval of Portion of an Ohio State Plan Amendment

AGENCY: Health Care Financing Administration (HFCA), HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing on March 12, 1986 in Chicago, Illinois to reconsider our decision to disapprove a portion of Ohio State Plan Amendment 85–15.

Closing Date: Requests to participate in the hearing as a party must be received by the Docket Clerk February 21, 1986.

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Hearing Staff, Bureau of Eligibility, Reimbursement and Coverage, 365 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594–8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove a portion of Ohio State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice of a State Medicaid Agency that informs the agency of the time and place of the hearing and issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Office will notify all participants.

The issues in this matter is whether Ohio's amendment which would provide Medicaid to a child, sibling, or parent who is denied AFDC solely because the need, income and resources of all eligible siblings are used in determining AFDC eligibility violates section 1902(a)(10)(A) and 1902(a)(17)(B) of the Social Security Act and Federal regulations at 42 CFR 435.113.

HCFA has disapproved a portion of Ohio SPA 85–15 because we concluded that it violates section 1902(a)(10)(A), which by its terms specifies the mandatory and optional categorically needy groups which a State must cover, but does not include the group which the State seeks to cover, and section 1902(a)(17)(B) which provides that the State must take into account only such income and resources as determined in accordance with standards prescribed by the Secretary to be available to the applicant or recipient. We reached these conclusions because Congress determined that the sibling's or child's income and resources are availble to and must be included in the assistance unit under AFDC, and therefore the Secretary determined that his income and resources are available to the entire unit under Medicaid. Unlike deeming of income and resources under the single filing unit requirement the sibling's income and resources are not imputed to the unit, but are actually available to it (since the sibling to whom they belong is a member of that unit). Once the unit has this income, it is not deeming to consider these amounts in determining the whole unit's eligibility for AFDC (and concomitantly for Medicaid). Accordingly, we believe the denial of Medicaid eligibility to individuals terminated or denied AFDC solely due to the application of the single filing rule under section 402(a)(38) of the Act (which causes a sibling to apply for AFDC even though he would prefer not to) does not violate the section 1902(a)(17)(D) prohibition on taking into account the financial responsibility of any individual other than a spouse (for his or her spouse) or parent for their children under 21 (or for their adult blind or disabled children). Moreover, because the denial of AFDC eligibility under the mandatory filing unit rule does not conflict with section 1902(a)(17)(D) of the Act, we concluded that the State cannot invoke 42 CFR 435.113 as a basis for covering individuals who lose AFDC eligibility solely because of the provision of that rule. (The regulation requires States to "provide Medicaid to individuals who would be eligible for AFDC except for an eligibility requirement used in that program that is specifically prohibited under title XIX.)

This notice of Ohio announcing an administrative hearing to reconsider our disapproval of its State plan amendment reads as follows:

Ms. Patricia K. Barry, Director,

Ohio Department of Human Services, East Broad Street, 32nd Floor, Columbus, Ohio 43215.

Dear Ms. Barry: This is to advise you that your request for reconsideration of the decision to disapprove a portion of Ohio State Plan Amendment 85–15 was received on January 6, 1986. Ohio SPA 85–15 would provide Medicaid to a child sibling or parent who is denied AFDC solely because the need, income and resources of all eligible siblings are used in determining AFDC eligibility. You have requested reconsideration of whether this plan provision conforms to the requirements for approval under title XIX of the Social Security Act. The issue to be considered is whether Ohio's amendment, which would provide Medicaid to a child, sibling, or parent who is denied AFDC solely because the need, income and resources of all eligible siblings are used in determining AFDC eligibility, violates section 1902(a)(10)(A) and 1902(a)(17)(B) of the Social Security Act and Federal regulations at 42 CFR 435.113.

I am scheduling a hearing on your request to be held on March 12, 1986 in the 8th Floor Conference Room, 175 West Jackson Boulevard, Chicago, Illinois. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

I am designating Mr. Stanley Krostar as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 594–8261.

Sincerely yours,

C. McClain Haddow,

Acting Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: January 31, 1986.

C.M. Clain Haddow,

Acting Administrotor, Health Care Financing Administration.

[FR Doc. 86–2623 Filed 2–5–86; 8:45 am]

BILLING CODE 4120–01–M

Medicaid Program; Hearing: Reconsideration of Disapproval of a South Carolina State Plan Amendment

AGENCY: Health Care Financing Administration (HCFA), HHS.

ACTION: Notice of Hearing.

SUMMARY: This notice announces an administrative hearing on March 26, 1986 in Atlanta, Georgia to reconsider our decision to disapprove South Carolina State Plan Amendment 85–11.

DATE: Request to participate in the hearing as a party must be received by the Docket Clerk (February 21, 1986).

FOR FURTHER INFORMATION CONTACT: Docket Clerk, Hearing Staff, Bureau of Eligibility, Reimbursement and Coverage, 365 East High Rise, 6325 Security Boulevard, Baltimore, Maryland 21207, Telephone: (301) 594–8261.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove a South Carolina State Plan Amendment.

Section 1116 of the Social Security Act and 45 CFR Parts 201 and 213 establish Department procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. HCFA is required to publish a copy of the notice to a State Medicaid Agency that informs the agency of the time and place of the hearing and the issues to be considered. (If we subsequently notify the agency of additional issues which will be considered at the hearing, we will also publish that notice.)

Any individual or group that wants to participate in the hearing as a party must petition the Hearing Officer within 15 days after publication of this notice, in accordance with the requirements contained in 45 CFR 213.15(b)(2). Any interested person or organization that wants to participate as amicus curiae must petition the Hearing Officer before the hearing begins in accordance with the requirements contained in 45 CFR 213.15(c)(1).

If the hearing is later rescheduled, the Hearing Officer will notify all participants.

The issue in this matter is whether the portion of South Carolina's proposal which requires the use of the Supplemental Security Income (SSI) resource exclusion when determining Medicaid eligibility for Aid to Families with Dependent Children (AFDC) related medically needy individuals violates section 1902(a)(10)(C)(i)(III) of the Social Security Act.

Section 1902(a)(10)(C)(i)(III) of the Social Security Act requires that in determining Medicaid eligibility for medically needy applicants or recipients, States must apply the same income and resource methodologies as are used in the cash assistance programs and utilize a single income and resource standard. For those individuals whose eligibility is AFDC-related, States must follow the methodologies of the AFDC program. South Carolina's proposal uses the SSI automobile resource exclusion for all the medically needy (SSI-related and AFDC-related). Therefore, HCFA has determined that South Carolina's proposal violates section 1902(a)(10)(C)(i)(III) of the Act.

The notice to South Carolina announcing an administrative hearing to reconsider our disapproval of its State plan amendment reads as follows:

Mr. Dennis Caldwell, Executive Director,
State Health and Human Services, Finance Commission, P.O. Box 8206, Columbia, South Carolina 29202–8206.

Dear Mr. Caldwell: This is to advise you that your request for reconsideration of the decision to disapprove South Carolina State Plan Amendment 85–11 was received on January 6, 1986. You have requested a reconsideration of whether the portion of South Carolina's proposal which requires the use of the Supplemental Security Income (SSI) resource exclusion when determining Medicaid eligibility for Aid to Families with Dependent Children (AFDC) related medically needy individuals violates section 1902(a)(10)(C)(i)(III) of the Social Security Act.

I am scheduling a hearing on your request to be held on March 26, 1986 at 10 a.m., in the 7th Floor Conference Room, 101 Marietta Tower, Spring and Marietta Streets, Atlanta, Georgia. If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties.

In am designating Mr. Albert Miller as the presiding official. If these arrangements present any problems, please contact the Docket Clerk. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the Docket Clerk of the names of the individuals who will represent the State at the hearing. The Docket Clerk can be reached at (301) 594–8261.

Sincerely yours,

C. McClain Haddow,

Acting Administrator.

(Section 1116 of the Social Security Act (42 U.S.C. 1316))

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: January 31, 1986.

C. McClain Haddow,

Acting Administrator, Health Care Financing Administration.

[FR Doc. 86–2624 Filed 2–5–86; 8:45 am]

BILLING CODE 4120–03–M

Health Resources and Services Administration

Filing of Annual Report of Federal Advisory Committee

Notice is hereby given that pursuant to section 13 of Pub. L. 92–463, the Annual Report for the following Health Resources and Services Administration Federal Advisory Committee has been filed with the Library of Congress:

Task Force on Organ Transplantation

Copies are available to the public for inspection at the Library of Congress, Newspaper and Current Periodical Reading Room 1026, Thomas Jefferson Building, Second Street and Independence Avenue, SE., Washington, D.C., or weekdays between 9:00 a.m. and 4:30 p.m. at the Department of Health and Human Services, Department Library, North Building, Room 1436, 330 Independence Avenue, SW., Washington, D.C 20201, Telephone (202) 245–6791. Copies may be obtained from Ms. Linda D. Sheaffer, Executive Director, Office of Organ Procurement and Transplantation, Office of the Administrator, Health Resources and Services Administration, Room 17–60, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857, telephone (301) 443–5911.

Dated: February 3, 1986.

Jackie E. Baum,

Advisory Committee Management Officer, HRSA.

[FR Doc. 86–2626 Filed 2–5–86; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[F–14989–A, F–14989–B]

Alaska Native Claims Selection; Danzhit Hanlaii

In accordance with Departmental regulation 43 CFR 2650.7(d), notice is hereby given that the decision to issue conveyance (DIC) to Danzhit Hanlaii Corporation, notice of which was published in the **Federal Register**, 47 FR 12869 to 12871 on March 25, 1982, as modified on March 31, 1983, and published in the **Federal Register**, 48 FR 14760 to 14761 on April 5, 1983, is further modified by adding, modifying, and deleting certain easements.

A notice of the modified DIC will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Copies of the modified DIC may be obtained by contacting the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until March 10, 1986 to file an appeal on the issue in the modified DIC. However, parties receiving service by certified mail shall

have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Except as modified, the decision, notice of which was given March 25, 1982, as modified April 5, 1983, is final.

Helen Burleson,

Section Chief, Branch of ANCSA Adjudication.

[FR Doc. 86-2647 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-JA-M

[F-19155-5]

Alaska Native Claims Selection; Doyon, Ltd.

In accordance with Departmental regulation 43 CFR 2650.7(d) notice is hereby given that the decision to issue conveyance (DIC) to Doyon, Limited, notice of which was published in the **Federal Register**, 47 FR 12866 to 12868 on March 25, 1982, as amended on September 16, 1983, and published in the **Federal Register**, 48 FR 42872, on September 20, 1983, is further modified by deleting and adding certain easements.

A notice of the modified DIC will be published once a week, for four (4) consecutive weeks, in the Fairbanks Daily News-Miner. Copies of the modified DIC may be obtained by contactng the Bureau of Land Management, Alaska State Office, 701 C Street, Box 13, Anchorage, Alaska 99513.

Any party claiming a property interest which is adversely affected by the decision shall have until March 10, 1986 to file an appeal on the issue in the modified DIC. However, parties receiving service by certified mail shall have 30 days from the date of receipt to file an appeal. Appeals must be filed in the Bureau of Land Management, Division of Conveyance Management (960), address identified above, where the requirements for filing an appeal may be obtained. Parties who do not file an appeal in accordance with the requirements in 43 CFR Part 4, Subpart E shall be deemed to have waived their rights.

Except as modified, the decision, notice of which was given March 25, 1982, as amended September 20, 1983, is final.

Helen Burleson,

Section Chief, Branch of ANCAS Adjudication.

[FR Doc. 86-2648 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-JA-M

[Serial No. A 8168-D]

Classification of Public Lands for State Indemnity Selection; Arizona

1. The Arizona State Land Department has filed a letter of intent to acquire and a petition for classification and application to acquire the lands described in paragraph 5 below, under the provisions of the Act of June 20, 1910 (36 Stat. 557), as amended, in lieu of certain school lands that were encumbered by other rights or reservations before the State's title could attach. The application has been assigned serial number A 8168-D.

2. The Bureau of Land Management will examine these lands for evidence of prior valid rights or other statutory constraints that would bar transfer. Those lands found suitable for transfer will be held to be classified 60 days from date of publication of this notice in the **Federal Register**. Classification is pursuant to Title 43 Code of Federal Regulations, Subpart 2400 and section 7 of the Act of June 28, 1934.

3. Information concerning these lands and the proposed transfer to the State of Arizona may be obtained from the District Manager, Yuma District Office, Bureau of Land Management, P.O. Box 5680, Yuma, Arizona 85364-0697 (602-726-6300).

4. For a period of 60 days from the date of publication of this notice in the **Federal Register**, all persons who wish to submit comments on the above classification may present their views in writing for consideration to the Yuma District Manager, Bureau of Land Management, P.O. Box 5680, Yuma, Arizona 85364-0697. As provided by Title 43 Code of Federal Regulations, Subpart 2462.1, a public hearing will be scheduled by the District Manager if he determines that sufficient public interest exists to warrant the time and expense of a hearing.

5. The lands included in this classification are located in Yuma County, Arizona, and are described as follows:

Gilla and Salt River Meridian

T. 8 S., R. 16 W.,
Sec. 31, S½;
Sec. 33, SE¼;
Sec. 34, S½.
T. 9 S., R. 17 W.,
Sec. 4, W½ NW¼ NW¼;
Sec. 5, lot 1, S½ N½;
Sec. 6, NE¼ SE¼, S½ SE¼.

The total acreage described above is approximately 1,139.88 acres.

6. Rights-of-way granted by BLM will transfer with the land. Oil and gas leases will remain in effect under the terms and conditions of the lease. State Law and Land Department procedures (R 12-5-154 D Administrative Rules and Regulations, Arizona State Land Department), provide for the offering to BLM grazing permits the first right to lease lands that are transferred to the State. This constitutes official notice to grazing lessees that their Bureau of Land Management leases will be terminated in part upon transfer of the land to the State of Arizona.

Dated: January 29, 1986.

J. Darwin Snell,

District Manager.

[FR Doc. 86-2567 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-32-M

Environmental Statements; Proposal to Allow Construction of a Temporary Culinary Water Well in the Cottonwood Canyon Widerness Study Area (UT-040-046)

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability of a Draft Environmental Assessment and Interim Management Policy Analysis.

SUMMARY: The City of St. George is proposing to develop a temporary culinary water well to meet peak demands pending availability of other water sources. The proposal is for a temporary right-of-way 35 feet wide and 673 feet long to accommodate buried water and power transmission lines and a one-acre site for a well installation. This facility would extend approximately 700 feet into the Cottonwood Canyon Wilderness Study Area (UT-040-046), which is located north and northeast of Washington, Utah. The location of the proposed well facility is in the SE¼ SW¼ NW¼ of Sec. 26, T. 41 S., R 15 W., SLB&M.

A Draft Environmental Assessment and Interim Management Policy (IMP) Analysis have been prepared on this proposal and are now available for public review and comment.

DATE: Comments should be submitted by March 18, 1986. Comments postmarked after the above date may not arrive in time to be considered as part of the decision making process.

ADDRESS: To obtain a copy of these documents or to obtain additional information on the proposal, contact Frank Rowley, Area Manager at the Bureau of Land Management, Dixie Resource Area, P.O. Box 726, St. George, Utah 84770 or telephone at (801) 673-4654 .

Dated: January 29, 1986.

Morgan S. Jensen,

District Manager.

[FR Doc. 86-2577 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-DQ-M

Management Framework Plan Amendment; Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of intent to amend land use plans in the Burns and other Eastern Oregon Districts.

SUMMARY: In accordance with 43 CFR 1601.3, notice is given that the Bureau of Land Management in the State of Oregon, Burns. District, intends to amend Management Framework Plan Decisions regarding the Riddle Mountain Wild Horse Herd Management Area. The Herd Management Area is located in Harney and Malheur Counties, approximately 50 miles southeast of Burns, Oregon. The purpose of the plan amendment is to adjust the Herd Management Area boundary, herd size, or make herd location adjustments in order to facilitate removal of wild horses from non-federal lands. Potential herd relocation areas are located throughout southeastern Oregon and may not be limited to BLM lands administered by the Burns District. The current management direction for the Riddle Mountain Wild Horse Herd and the Associated Grazing Management Program was developed through the Drewsey Management Framework Plan, Drewsey Grazing Management Environmental Impact Statement and Rangeland Program Summary and updates.

DATES: Comments are due by March 18, 1986.

ADDRESSES: Detailed information concerning the proposed land use plan amendment and revised Herd Management Plan including the Environmental Analysis will be available for review at the Burns District Office, 74 South Alvord, Burns, Oregon 97720.

FOR FURTHER INFORMATION CONTACT: Joshua I Warburton, District Manager, Burns District Office, 74 S. Alvord, Burns, Oregon 97720, (503) 573-5241.

SUPPLEMENTARY INFORMATION: Major issues involved in the plan amendment are: reducing the active herd management area, reducing the herd size (minimum and maximum management levels) or relocating a portion of the herd, potential impacts of herd adjustments on domestic livestock grazing and on the management of non-federal lands, and compatibility with wilderness study areas. Major disciplines to be represented on the interdisciplinary team preparing the plan amendment and Environmental Assessment (EA) are: Wild horse management, range management, watershed, wilderness, wildlife and land use planning. More detailed information on planning criteria, issues and preliminary management alternatives is available at the Burns District Office and has also been mailed to known interested parties. The comment period on preliminary issues and planning criteria for the plan amendment and associated EA will close March 18, 1986. Other public participating activities will include a 60-day review of the proposed plan amendment and the EA and an open house or public meeting to receive comments and answer questions. Dates, times and location will be announced through local media and mailing to interested parties. Planning documents are available for inspection at the Burns District Office during normal working hours.

Dated: January 27, 1986.

Joshua L. Warburton,

District Manager.

[FR Doc. 86-2578 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-33-M

Butte District, Montana; Advisory Council Meeting

Notice is hereby given in accordance with Pub. L. 94-579 and 43 CFR Part 1780 that a meeting of the Butte District Advisory Council will he held Wednesday and Thursday, March 5 and 6, 1986.

The meeting will begin at 1 p.m., March 5 in the Butte District Office conference room, 106 North Parkmont (Industrial Park), Butte, Montana. The agenda will include 1) recreation access to public lands, 2) the district's land adjustment program, 3) surface management (3809) regulation administration, 4) the FY 86 budget, and 5) a discussion of the district's range program, including the Bureau's riparian initiative, Cooperative Management Agreements and grazing fees. This meeting was originally scheduled for January 15 and 16 and was rescheduled due to the uncertainty of a quorum being present on those dates.

The meeting is open to the public. Interested persons may make oral statements to the council or file written statements for the council's consideration. Anyone wishing to make an oral statement should make advance arrangements with the district manager.

Summary minutes of the meeting will be maintained in the district office and will be available for public inspection and reproduction during regular business hours within 30 days following the meeting.

Dated: January 31, 1986.

Jack A. McIntosh,

District Manager, Butte District.

[FR Doc. 86-2621 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-DN-M

Moab District, Utah; Advisory Council Meeting

January 31, 1986.

AGENCY: Bureau of Land Management, Utah, Interior.

ACTION: Moab District Advisory Council Meeting.

SUMMARY: The Council will meet on Thursday, March 6, beginning at 9 a.m.

SUPPLEMENTAL INFORMATION: The Council meeting will be held at the Moab Disitrict Office, 82 East Dogwood, Moab, Utah 84532. The agenda includes an update on planning efforts, a review of the Utah Statewide Draft Environmental Impact Statement (DEIS), and new business. Also, if Council members so desire, they may elect new officers and form new committees at this meeting, or they may hold that action until a future date. All Advisory Council meetings are open to interested members of the public.

FOR FURTHER INFORMATION CONTACT: Mary Plumb, Public Affairs Officer, Bureau of Land Management, Moab District, 82 East Dogwood (P.O. Box 970), Moab, Utah 84532. Telephone: (801) 259-6111.

Gene Nodine,

District Manager.

[FR Doc. 86-680 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-DQ-M

[A-21218]

Realty Action; Noncompetitive Sale of Public Land in La Paz County; AZ

The following described public lands have been examined and found suitable for direct sale under section 203 of the

Federal Land Policy and Management Act of 1976 at not less than the appraised fair market value. The lands will not be offered for sale until 60 days after the date of this notice.

Gila and Salt River Meridian

T. 7 N., R. 19 W.,
Sec. 13, SW¼.

The above described land contains 160 acres more or less.

The land is proposed to be offered for sale to La Paz County which plans to use the land for sanitary landfill and maintenance yard purposes.

The sale is consistent with the Bureau's planning system. The land is not needed for any resource program and disposal of the land would serve important public objectives.

The patent, when issued, will contain certain reservations to the United States. Detailed information concerning these reservations, as well as conditions of the sale, is available for review at the Yuma District Office, Bureau of Land Management, 3150 Winsor Avenue, Yuma, Arizona 85365.

Publication of this notice in the **Federal Register** segregates the public land from the operation of the public land laws and the mining laws. The segregative effect will end upon issuance of a patent or 270 days from the date of the publication, whichever occurs first.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 5680, Yuma, Arizona 85364–0697. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action become the final determination of the Department of the Interior.

Dated: January 29, 1986.

J. Darwin Snell,

District Manager.

[FR Doc. 86–2568 Filed 2–5–86; 8:45 am]

BILLING CODE 4310–32–M

[A–21355]

Realty Action; Noncompetitive Sale of Public Land in La Paz County, AZ

The following described public land has been examined and found suitable for direct sale under section 203 of the Federal Land Policy and Management Act of 1976 at no less than the appraised fair market value. The lands will not be offered for sale until 60 days after the date of this notice.

Gila and Salt River Meridian

T. 1 S., R. 23 W.,
Sec. 5, W½S½N½NW¼NE¼, W½N½S½NW¼NE¼, E½S½N½NE¼NW¼, E½N½S½NE¼NW¼.

The above described land contains 20 acres more or less.

The land is proposed to be offered for sale to La Paz County when plans to use the land for sanitary landfill purposes.

The sale is consistent with the Bureau's planning system. The land is not needed for any resource program and disposal of the land would serve important public objectives.

The patent, when issued, will contain certain reservations to the United States. Detailed information concerning these reservations, as well as conditions of the sale, is available for review at the Yuma District Office, Bureau of Land Management, 3150 Winsor Avenue, Yuma, Arizona 85365.

Publication of this notice in the **Federal Register** segregates the public land from the operations of the public land laws and the mining laws. The segregative effect will end upon issuance of a patent or 270 days from the date of the publication, whichever occurs first.

For a period of 45 days from the date of publication of this notice in the **Federal Register**, interested parties may submit comments to the District Manager, Bureau of Land Management, P.O. Box 5680, Yuma, Arizona 85364. Objections will be reviewed by the State Director who may sustain, vacate, or modify this realty action. In the absence of any objections, this realty action will become the final determination of the Department of the Interior.

Dated: January 29, 1986.

J. Darwin Snell,

District Manager.

[FR Doc. 86–2569 Filed 2–5–86; 8:45 am]

BILLING CODE 4310–32–M

Colorado; Filing of Plats of Survey

January 31, 1986.

The plat of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., January 31, 1986.

The plat representing the dependent resurvey of a portion of the south and west boundaries and a portion of the subdivisional lines, and the survey of the subdivision of certain sections, T. 43 N., R. 8 E., New Mexico Principal Meridian, Colorado, Group No. 804, was accepted January 14, 1986.

This survey was executed to meet certain administrative needs of the Bureau of Reclamation.

The plat in twelve sheets, of survey of the following described land, will be officially filed in the Colorado State Office, Bureau of Land Management, Denver, Colorado, effective 10:00 a.m., March 21, 1986.

The plat, in twelve sheets, representing the dependent resurvey of a portion of the First Standard Parallel South, south boundary, T. 5 S., Rs. 77 and 78 W., a portion of the south and east boundaries, subdivisional lines and certain mineral claims, and the survey of the subdivision of certain sections and tract 39, T. 6 S., R. 78 W., Sixth Principal Meridian, Colorado, Group No. 638, was accepted January 16, 1986.

The survey was executed prepared to meet certain administrative needs of the U.S. Forest Service.

All inquiries about this land should be sent to the Colorado State Office, Bureau of Land Management, 2020 Arapahoe Street, Denver, Colorado 80205.

Jack A. Eaves,

Acting Chief Cadastral Surveyor for Colorado.

[FR Doc. 86–2580 Filed 2–5–86; 8:45 am]

BILLING CODE 4310–84–M

[Alaska AA–48372–G]

Oil and Gas Leases; Alaska

In accordance with Title IV of the Federal Oil and Gas Royalty Management Act (Pub. L. 97–451), a petition for reinstatement of oil and gas lease AA–48372–G has been received covering the following lands:

Copper River Meridian, Alaska

T. 13 N., R. 9 W.,
Sec. 4, NW¼NE¼.
(40 acres.)

The proposed reinstatement of the lease would be under the same terms and conditions of the original lease, except the rental will be increased to $5 per acre per year, and royalty increased to 16⅔ percent. The $500 administrative fee and the cost of publishing this Notice have been paid.

The required rentals and royalties accruing from February 1, 1985, the date of termination, have been paid.

Having met all the requirements for reinstatement of lease AA–48372–G as set out in section 31 (d) and (e) of the Mineral Leasing Act of 1920 (30 U.S.C. 188), the Bureau of Land Management is proposing to reinstate the lease,

effective February 1, 1985, subject to the terms and conditions cited above.

Dated: January 24, 1986.

Robert E. Sorenson,

Chief, Branch of Mineral, Adjudication.

[FR Doc. 86-2576 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-JA-M

Re-Inventory of Contiguous Areas Over 5,000 Acres; Mockingbird and Kofa Unit 4, Arizona

AGENCY: Bureau of Land Management (BLM), Interior.

ACTION: Proposed Decision—Mockingbird and Kofa Unit 4 South Re-Inventory.

Proposed Decision and Public Comment Period

Notice is hereby given that a re-inventory of two contiguous inventory units over 5,000 acres, both affected by the Sierra Club vs. Watt litigation, has been completed by the Arizona Office of the Bureau of Land Management. The units re-inventoried are:

Name	Number	Acres	District office
Mockingbird	AZ-020-008	5,700	Phoenix.
Kofa Unit 4 south	AZ-050-034	11,220	Yuma.

Field inventories and subsequent analysis indicate that both the Mockingbird and Kofa No. 4 inventory units have wilderness characteristics only in association with contiguous federal lands managed by other federal agencies. We are recommending Wilderness Study Area (WSA) status under Section 202 of FLPMA.

Publication of this notice in the **Federal Register** begins a 90-day public review and comment period on each re-inventoried unit. The public comment period will end on May 1, 1986.

The public is invited to comment on the wilderness re-inventory proposed decision and to submit additional information in order to assist the BLM in the assessment of wilderness characteristics on these public lands. Copies of the report and map are available from the following Bureau of Land Management offices:

Phoenix District Office, 2015 West Deer Valley Rd., Phoenix, AZ 85027 (602) 863-4464, or

Yuma District Office, 3150 Winsor Dr., P.O. Box 5680, Yuma, AZ 85364 (602) 726-6300

Please send your verbal or written comments to the appropriate district office. All comments will be analyzed and a final decision issued in a subsequent **Federal Register** Notice in June, 1986.

Background Information

The U.S. District Court for the Eastern District of California issued a decision on April 18, 1985, in *Sierra Club* vs. *Watt*, concerning lands that were deleted from wilderness review in 1982 and 1983. To bring the wilderness program into compliance with this decision, the Department of Interior agreed, in a stipulated agreement with plaintiffs, to re-inventory "contiguous areas" over 5,000 acres that were under litigation. The re-inventory was conducted under procedures required by the Wilderness Inventory Handbook and Instruction Memorandum No. 85-93 (Organic Act Directive No. 78-61 and Changes 1, 2, and 3).

Those that are found to have wilderness characteristics of their own will become WSA's under section 603 of the Federal Land Policy and Management Act (FLPMA). Those that are found to have wilderness characteristics only in association with contiguous lands managed by another agency will become WSA's under section 202 of FLPMA. Both groups of WSA's will be studied by 1991 and will be managed under the Interim Management Policy (IMP). For the section 202 WSA's, management under the IMP means (as with WSA's under 5,000 acres) they are subject to the section 302 provisions rather than section 630 (see Chapter I.A.5. of the IMP).

D. Dean Bibles,

State Director.

[FR Doc. 86-2581 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-32-M

Fish and Wildlife Service

Endangered and Threatened Wildlife and Plants; Republication of Lists

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of document availability.

SUMMARY: The Service announces the republication and availability of the current Lists of Endangered and Threatened Wildlife and Plants.

DATES: The republished lists contain all changes through January 1, 1986.

ADDRESS: Requests for copies should be addressed to the Publications Unit, 148 Matomic, U.S. Fish and Wildlife Service, Washington DC 20240.

FOR FURTHER INFORMATION CONTACT: Mr. John L. Spinks, Jr., Chief, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, DC 20240 (703/235-2771).

SUPPLEMENTARY INFORMATION: The Service has incorporated all changes to the list at 50 CFR 17.11 and 17.12 published since the October 1, 1985, compilation of that title. The date on this reprint is stated as January 1, 1986. In addition, minor changes or corrections to the spellings of names, historic ranges, and applicable rules elsewhere in 50 CFR have been incorporated in the special reprinting of these lists. Otherwise, no entry in these lists has been significantly affected. The document also contains a list of the 12 species that have been removed from § 17.11 or § 17.12 since 1973. The 29-page document is available from the Publications Unit (address above).

Dated: December 26, 1985.

Ronald E. Lambertson,

Acting Director.

[FR Doc. 86-2596 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-55-M

Minerals Management Service

Oil and Gas and Sulfur Operations on the Outer Continental Shelf; Receipt of Proposed Development and Production Plan; Chevron U.S.A., Inc.

AGENCY: Minerals Management Service; Interior.

ACTION: Notice of receipt of a proposed development and production plan.

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a Development and Production Plan describing the activities it proposes to conduct as operator of Lease OCS-P 0205 in the Santa Clara Unit. The purpose of this Notice is to inform the public that the Minerals Management Service (MMS) is considering approval of the plan and that it is available for public review and comment.

DATES: The plan may be reviewed weekdays, 8:00 a.m. to 3:00 p.m. Written comments must be received or postmarked by March 31, 1985.

ADDRESSES: The plan is available for public review at the Office of the Regional Director, Pacific OCS Region, Minerals Management Service, Room 160, 1340 West Sixth Street, Los Angeles, California 90017. Written comments may be mailed or hand-delivered to the same address.

FOR FURTHER INFORMATION CONTACT: Mr. Thomas W. Dunaway, Regional Supervisor, Office of Field Operations, Pacific OCS Region, (213) 894-2083.

SUPPLEMENTARY INFORMATION: Section 25 of the Outer Continental Shelf Lands Act, 43 U.S.C. 1351, requires the MMS to make any development and production plans available for public review. Regulation 30 CFR 250.34 provides for the publication of a Notice that such a plan is available for review.

James R. Mason,

Acting Regional Director, Pacific OCS Region.

[FR Doc. 86-2573 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Development Operations Coordination Document; Chevron U.S.A.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the receipt of a proposed development operations coordination document (DOCD).

SUMMARY: Notice is hereby given that Chevron U.S.A. Inc. has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 3401, Block 8, South Marsh Island Area, offshore Louisiana. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Morgan City, Louisiana.

DATE: The subject DOCD was deemed submitted on January 24, 1986.

ADDRESS: A copy of the subject DOCD is available for public review at the Office of the Regulatory Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday).

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service; Gulf of Mexico OCS Region; Rules and Production; Plans, Platform and Pipeline Section; Exploration/Development Plans Unit; Phone (504) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected states, executives of affected states, local governments, and other interested parties became effective December 13, 1979, (44 FR 53685). Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 29, 1986.

J. Rogers Pearcy,

Acting Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-2575 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-MR-M

Outer Continental Shelf; Development Operations Coordination Document; Cities Service Oil & Gas Corp.

AGENCY: Minerals Management Service, Interior.

ACTION: Notice of the Receipt of a Proposed Development Operations Coordination Document (DOCD).

SUMMARY: Notice is hereby given that Cities Service Oil and Gas Corporation has submitted a DOCD describing the activities it proposes to conduct on Lease OCS-G 4918, Block 273, Main Pass Area, offshore Louisiana and Mississippi. Proposed plans for the above area provide for the development and production of hydrocarbons with support activities to be conducted from an onshore base located at Venice, Louisiana.

DATE: The subject DOCD was deemed submited on January 27, 1986. Comments must be received within 15 days of the date of this Notice or 15 days after the Coastal Management Section receives a copy of the DOCD from the Minerals Management Service.

ADDRESSES: A copy of the subject DOCD is available for public review at the Office of the Regional Director, Gulf of Mexico OCS Region, Minerals Management Service, 3301 North Causeway Blvd., Room 147, Metairie, Louisiana (Office Hours: 9 a.m. to 3:30 p.m., Monday through Friday). A copy of the DOCD and the accompanying Consistency Certification are also available for public review at the Coastal Management Section Office located on the 10th Floor of the State Lands and Natural Resources Building, 625 North 4th Street, Baton Rouge, Louisiana (Office Hours: 8 a.m. to 4:30 p.m., Monday through Friday). The public may submit comments to the Coastal Management Section, Attention OCS Plans, Post Office Box 44396, Baton Rouge, Louisiana 70805.

FOR FURTHER INFORMATION CONTACT: Michael J. Tolbert; Minerals Management Service, Gulf of Mexico OCS Region, Rules and Production, Plans, Platform and Pipeline Section; Exploration/Development Plans Unit, Phone (505) 838-0875.

SUPPLEMENTARY INFORMATION: The purpose of this Notice is to inform the public, pursuant to section 25 of the OCS Lands Act Amendments of 1978, that the Minerals Management Service is considering approval of the DOCD and that it is available for public review. Additionally, this Notice is to inform the public, pursuant to § 930.61 of Title 15 of the CFR, that the Coastal Management Section/Louisiana Department of Natural Resources is reviewing the DOCD for consistency with the Louisiana Coastal Resources Program.

Revised rules governing practices and procedures under which the Minerals Management Service makes information contained in DOCDs available to affected States, executives of affected local governments, and other interested parties became effective December 13, 1979, (44 FR 53685).

Those practices and procedures are set out in revised § 250.34 of Title 30 of the CFR.

Dated: January 31, 1986.

J. Rogers Pearcy,

Acting Regional Director, Gulf of Mexico OCS Region.

[FR Doc. 86-2574 Filed 2-5-86; 8:45 am]

BILLING CODE 4310-MR-M

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731-TA-278, 279, and 280 (Final)]

Import Investigations; Certain Cast-Iron Pipe Fittings From Brazil, Korea, and Taiwan

AGENCY: United States International Trade Commission.

ACTION: Institution of final antidumping investigations and scheduling of a hearing to be held in connection with the investigations.

SUMMARY: The Commission hereby gives notice the institution of final antidumping investigations Nos. 731-TA-278, 279, and 280 (Final) under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Brazil, the Republic of Korea (Korea), and Taiwan

of nonalloy, threaded, malleable [1] cast-iron pipe fittings, provided for in items 610.70 and 610.74 of the Tariff Schedules of the United States (TSUS), which have been found by the Department of Commerce, in preliminary determinations, to be sold in the United States at less than fair value (LTFV). Unless the investigations are extended, Commerce will make its final LTFV determinations on or before March 24, 1986, and the Commission will make its final injury determination by May 12, 1986 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of these investigations, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, part 207, subparts A and C (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: January 13, 1986.

FOR FURTHER INFORMATION CONTACT: Martha Mitchell (202–523–6620), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted as a result of affirmative preliminary determinations by the Department of Commerce that imports of malleable cast-iron pipe fittings from Brazil, Korea, and Taiwan are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigations were requested in petitions filed on July 31, 1985 by the Cast-Iron Pipe Fittings Committee.[2] In response to these petitions the Commission conducted preliminary antidumping investigations and, on the basis of information developed during the course of those investigations, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (50 FR 38904, Sept. 25, 1985).

Participation in the investigations.—Persons wishing to participate in these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules (19 CFR § 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Staff report.—A public version of the prehearing staff report in these investigations will be placed in the public record on March 24, 1986, pursuant to section 207.21 of the Commission's rules (19 CFR 207.21).

Hearing.—The Commission will hold a hearing in connection with these investigations beginning at 10:00 a.m. on April 14, 1986 at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on April 1, 1986. All persons desiring to appear at the hearing and make oral presentations should file prehearing briefs and attend a prehearing conference to be held at 9:30 a.m. on April 4, 1986 in room 117 of the U.S. International Trade Commission Building. The deadline for filing prehearing briefs is April 7, 1986.

Testimony at the public hearing is governed by § 207.23 of the Commission's rules (19 CFR 207.23). This rule requires that testimony be limited to a nonconfidential summary and analysis of material contained in prehearing briefs and to information not available at the time the prehearing brief was submitted. Any written materials submitted at the hearing must be filed in accordance with the procedures described below and any confidential materials must be submitted at least three (3) working days prior to the hearing (see § 201.6(b)(2) of the Commission's rules (19 CFR 201.6(b)(2))).

Written submissions.—All legal arguments, economic analyses, and factual materials relevant to the public hearing should be included in prehearing briefs in accordance with § 207.22 of the Commission's rules (19 CFR 207.22). Posthearing briefs must conform with the provisions of section 207.24 (19 CFR 207.24) and must be submitted not later than the close of business on April 18, 1985. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations on or before April 18, 1986.

A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of section 201.6 of the Commission's rules (19 CFR 201.6).

Authority. These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: January 31, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–2559 Filed 2–5–86; 8:45 am]

BILLING CODE 7020-02-M

[1] The malleable cast-iron pipe fittings covered by these investigations are those with either standard pressure ratings of 150 pounds per square inch (psi) or heavy-duty pressure ratings of 300 psi.

[2] The 5 member producers of this committee are Stanley G. Flagg & Co., Inc., ITT-Grinnell Corp., Stockham Valves & Fittings Co., U-Brand Corp., and Ward Foundry Division of Clevepak Corp. U-Brand Corp. did not join the other members of the committee in filing the petitions.

[Investigation No. 731-TA-300 (Preliminary)]

Dynamic Random Access Memory Semiconductors of 256 Kilobits and Above From Japan

Determination [1]

On the basis of the record [2] developed in the subject investigation, the Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)), that there is a reasonable indication that an industry in the United States is materially injured or threatened with material injury by reason of imports from Japan of dynamic random access memory semiconductors having a memory capacity of 256 kilobits and above,[3] of both the N-channel and the complementary metal oxide semiconductor type, whether in the form of processed wafers, unmounted die, mounted die, or assembled devices, provided for in item 687.74 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value (LTFV).[4]

Background

This investigation was instituted by the Commission in response to notification from the Department of Commerce on December 11, 1985, that it was self-initiating an antidumping investigation on the subject products (50 FR 51450, Dec. 17, 1985). Notice of the institution of the Commission's investigation and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of December 18, 1985 (50 FR 51613). A second notice was published on December 26, 1985 (50 FR 52869), rescheduling the conference from January 3, 1986, to January 6, 1986. All persons who requested the opportunity were permitted to appear at the conference in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on January 27, 1986. The views of the Commission are contained in USITC Publication 1803 (January 1986), entitled "Dynamic Random Access Memory Semiconductors of 256 Kilobits and Above from Japan: Determination of the Commission in Investigation No. 731-TA-300 (Preliminary) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.

Issued: January 29, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-2553 Filed 2-5-86; 8:45 am]

BILLING CODE 7020-02-M

[1] Commissioner Brunsdale was sworn in on Jan. 3, 1986, and, therefore, did not participate in this determination.

[2] The record is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[3] Vice Chairman Liebeler and Commissioner Eckes base their determinations in this preliminary investigation on semiconductors up to and including 1 magabit.

[4] Commissioner Lodwick determines that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from Japan of the subject merchandise.

[Investigation No. 337-TA-215]

Certain Double-Sided Floppy Disk Drives and Components Thereof; Commission Decision on Review Affirming Initial Determination Finding No Violation

AGENCY: U.S. International Trade Commission.

ACTION: The Commission has determined to affirm the presiding officer's initial determination finding no violation of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, in investigation No. 337-TA-215.

SUMMARY: The Commission has determined on review to affirm the administrative law judge's (ALJ) initial determination (ID) finding no violation of section 337 in the above-captioned investigation. Although the Commission has affirmed the ALJ's finding of no violation, the Commission disagrees with portions of the ALJ's reasoning in the initial determination.

FOR FURTHER INFORMATION CONTACT: Marcia H. Sundeen, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202-523-0350.

SUPPLEMENTARY INFORMATION: On December 6, 1984, Tandon Corporation (Tandon) filed a complaint and a motion for temporary relief under section 337. On January 22, 1985, the Commission instituted an investigation to determine whether there is a violation of section 337 in the unlawful importation or sale of certain double-sided floppy disk drives into the United States by reason of alleged infringement of the claims of U.S. Patent No 4,151,573 (the '573 patent), the effect or tendency of which is to destroy or substantially injure an industry, efficiently and economically operated, in the United States.

The original respondents were: (1) Mitsubishi Electric Corporation, (2) Mitsubishi Electronics America, Inc., (3) TEAC Corporation, (4) TEAC Corporation of America (hereinafter collectively referred to as "TEAC"), (5) Sony Corporation, and (6) Sony Corporation of America (hereinafter collectively referred to as Sony). Mitsubishi is the only remaining respondent. On August 16, 1985, the Commission approved a settlement and licensing agreement between the Sony respondents and Tandon. On November 5, 1985, the Commission approved a settlement and licensing agreement between the TEAC respondents and Tandon.

On May 29, 1985, the ALJ granted the complainant's motion for temporary relief after a hearing. On September 3, 1985, the Commission decided to affirm the ALJ's ID awarding temporary relief and awarded a limited temporary exclusion order barring entry of allegedly infringing drives manufactured by the respondents except under a bond of 25 percent.

On November 1, 1985, the ALJ issued an ID finding no violation of section 337. On December 19, 1985, the Commission determined to review portions of the ID (50 FR 52866). All parties submitted briefs on all issues under review. Sankyo Seiki Manufacturing Co., Ltd., filed a submission on the issue of remedy. No Government agency comments have been received.

The authority for the Commission's disposition of this matter is contained in section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and in section 210.56 of the Commission's Rules of Practice and Procedure (49 FR 46123) (19 CFR 210.56).

Copies of the Commission's action and order and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161.

By order of the Commission.

Issued: January 31, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-2556 Filed 2-5-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-236 (Final)]

Hydrogenated Castor Oil From Brazil

Determination [1]

On the basis of the record [2] developed in the subject investigation, the Commission determines, pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is not materially injured or threatened with material injury, and the establishment of an industry in the United States is not materially retarded, by reason of imports from Brazil of hydrogenated castor oil (HCO), provided for in item 178.20 of the Tariff Schedules of the United States, which have been found by the Department of Commerce to be sold in the United States at less than fair value (LTFV).

Background

The Commission instituted this investigation effective July 30, 1985, following a preliminary determination by the Department of Commerce that imports of HCO from Brazil were being sold at LTFV within the meaning of section 731 of the Act (19 U.S.C. 1673). Notice of the institution of the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of August 21, 1985 (50 FR 33858). Commerce subsequently extended the investigation (50 FR 35110, Aug. 29, 1985) and, accordingly, the Commission rescheduled its hearing (50 FR 40241, Oct. 2, 1985). The hearing was held in Washington, DC, on December 18, 1985, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on January 27, 1986. The views of the Commission are contained in USITC Publication 1804 (January 1986), entitled "Hydrogenated Castor Oil from Brazil: Determination of the Commission in Investigation No. 731-TA-236 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.

[1] Commissioner Brunsdale was sworn in on Jan. 3, 1986, and, therefore, did not participate in this determination.

[2] The record is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

Issued: January 29, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-2554 Filed 2-5-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 337-TA-225]

Certain Multi-Level Touch Control Lighting Switches; Initial Determination Terminating Respondent on the Basis of Settlement Agreement

AGENCY: U.S. International Trade Commission.

ACTION: Notice is hereby given that the Commission has received an initial determination from the presiding officer in the above-captioned investigation terminating the following respondent on the basis of a settlement agreement: Leviton Manufacturing Company, Inc.

SUPPLEMENTARY INFORMATION: This investigation is being conducted pursuant to section 337 of the Tariff Act of 1930 (19 U.S.C. 1337). Under the Commission's rules, the presiding officer's initial determination will become the determination of the Commission thirty (30) days after the date of its service upon the parties, unless the Commission orders review of the initial determination. The initial determination in this matter was served upon the parties on January 29, 1986.

Copies of the initial determination, the settlement agreement, and all other nonconfidential documents filed in connection with this investigation are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202-523-0161. Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-724-0002.

Written comments: Interested persons may file written comments with the Commission concerning termination of the aforementioned respondent. The original and 14 copies of all such comments must be filed with the Secretary to the Commission, 701 E Street, NW., Washington, DC 20436, no later than 10 days after publication of this notice in the **Federal Register.** Any person desiring to submit a document (or portion thereof) to the Commission in confidence must request confidential treatment. Such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why confidential treatment should be granted. The Commission will either accept the submission in confidence or return it.

FOR FURTHER INFORMATION CONTACT: Ruby J. Dionne, Office of the Secretary, U.S. International Trade Commission, telephone 202-532-0176.

By order of the Commission.

Issued: January 29, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86-2557 Filed 2-5-86; 8:45 am]

BILLING CODE 7020-02-M

[Investigation No. 731-TA-244 (Final)]

Natural Bristle Paint Brushes From the People's Republic of China

Determinations

On the basis of the record [1] developed in the subject investigation, the Commission determines,[2] pursuant to section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)), that an industry in the United States is threatened with material injury by reason of imports from the People's Republic of China of natural bristle paint brushes, except artists' brushes, provided for in item 750.65 of the Tariff Schedules of the United States, which have been found by the Department of Commerce to be sold in the United States at lesss than fair value (LTFV).

The Commission also determines, pursuant to section 734(b)(4)(B) of the Tariff Act of 1930 (19 U.S.C. 1673(b)(4)(B)), that no material injury would have been found but for any suspension of liquidation of entries of the merchandise. Because the Commission determined that there is only a threat of material injury, it did not reach the question of critical circumstances found in section 735(b)(4)(A) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)(4)(A)).

Background

The Commission instituted this investigation effective August 5, 1985, following a preliminary determination by the Department of Commerce that imports of natural bristle paint brushes from the People's Republic of China were being sold at LTFV within the meaning of section 731 of the Act (19 U.S.C. 1673). Notice of the institution of

[1] The record is defined in sec. 207.2(i) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(i)).

[2] Vice Chairman Liebeler dissenting; Commissioner Brunsdale not participating.

the Commission's investigation and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of September 5, 1985 (50 FR 36158). The hearing was held in Washington, DC, on December 19, 1985, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determination in this investigation to the Secretary of Commerce on January 27, 1986. The views of the Commission are contained in USITC Publication 1805 (January 1986), entitled "Natural Bristle Paint Brushes from the People's Republic of China; Determination of the Commission in Investigation No. 731–TA–244 (Final) Under the Tariff Act of 1930, Together With the Information Obtained in the Investigation."

By order of the Commission.

Issued: January 29, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–2555 Filed 2–5–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–275 (Final)]

Oil Country Tubular Goods From Argentina; Antidumping Investigation

AGENCY: United States International Trade Commission.

ACTION: Institution of a final antidumping investigation.

SUMMARY: The Commission hereby gives notice of the institution of final antidumping investigation No. 731–TA–275 under section 735(b) of the Tariff Act of 1930 (19 U.S.C. 1673d(b)) to determine whether an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Argentina of oil country tubular goods,[1] provided for in items 610.32, 610.37, 610.39, 610.40, 610.42, 610.43, 610.49, and 610.52 of the Tariff Schedules of the United States, which have been found by the Department of Commerce, in a preliminary determination, to be sold in the United States at less than fair value (LTFV). Unless this investigation is extended, Commerce will make its final dumping determination by April 8, 1986, and the Commission will make its final injury determination by May 21, 1986 (see sections 735(a) and 735(b) of the act (19 U.S.C. 1673d(a) and 1673d(b))).

For further information concerning the conduct of this investigation, hearing procedures, and rules of general application, consult the Commission's rules of practice and procedure, part 207, subparts A and C (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: January 22, 1986.

FOR FURTHER INFORMATION CONTACT: Rebecca Woodings (202–523–0282), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

SUPPLEMENTARY INFORMATION:

Background.—This investigation is being instituted as a result of an affirmative preliminary determination by the Department of Commerce that imports of oil country tubular goods from Argentina are being sold in the United States at less than fair value within the meaning of section 731 of the act (19 U.S.C. 1673). The investigation was requested in a petition filed on July 22, 1985, by the Lone Star Steel Company, Dallas, TX and CF&I Steel Corporation, Pueblo, CO. In response to that petition the Commission conducted a preliminary antidumping investigation and, on the basis of information developed during the course of that investigation, determined that there was a reasonable indication that an industry in the United States was materially injured by reason of imports of the subject merchandise (50 FR 37066, September 11, 1985).

Participation in the investigation.—Persons wishing to participate in this investigation as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than twenty-one (21) days after the publication of this notice in the **Federal Register**. Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to this investigation upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigation must be served on all other parties to the investigation (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Hearing, staff report, and written submissions.—The Commission will hold a hearing in connection with this investigation at the U.S. International Trade Commission Building, 701 E Street NW., Washington, DC; the time and date of the hearing will be announced at a later date. A public version of the prehearing staff report in this investigation will be placed in the public record prior to the hearing, pursuant to § 207.21 of the Commission's rules (19 CFR 207.21). The dates for filing prehearing and posthearing briefs and the date for filing other written submissions will also be announced at a later date.

Authority: This investigation is being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.20 of the Commission's rules (19 CFR 207.20).

By order of the Commission.

Issued: January 31, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–2561 Filed 2–5–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 731–TA–268 (Final)]

Certain Steel Wire Nails From Yugoslavia; Antidumping Investigation

AGENCY: United States International Trade Commission.

ACTION: Termination of final antidumping investigation.

SUMMARY: On January 21, 1986, the Commission received a letter from counsel on behalf of the petitioners in investigation No. 731–TA–268 (Final) withdrawing the petition and requesting that the investigation be terminated. Accordingly, pursuant to its authority under § 207.40(a) of the Commission's rules of practice and procedure (19 CFR 207.40(a)), the Commission's antidumping investigation (No. 731–TA–268 (Final)), certain steel wire nails from Yugoslavia is hereby terminated.

EFFECTIVE DATE: January 30, 1986.

[1] For purposes of this investigation, "oil country tubular goods" includes drill pipe, casing, and tubing for drilling oil or gas wells, of carbon or alloy steel, whether such articles are welded or seamless, whether finished or unfinished, and whether or not meeting American Petroleum Institute (API) specifications.

FOR FURTHER INFORMATION CONTACT: Bruce Cates (202–523–0369), Office of Investigations, U.S. International Trade Commission, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

Authority: This investigation is being terminated under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.40 of the Commission's rules (19 CFR 207.40).

By order of the Commission.

Issued: January 30, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–2560 Filed 2–5–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation No. 337–TA–191]

Certain Stretch Wrapping Apparatus and Components Thereof; Commission Determination Not To Review Initial Advisory Opinion

AGENCY: U.S. International Trade Commission.

ACTION: Nonreview of an initial advisory opinion (IAO) granting with prejudice a motion to withdraw a request for an advisory opinion.

SUMMARY: Notice is hereby given that the Commission has determined not to review the IAO of the presiding administrative law judge (ALJ) granting with prejudice respondents' motion to withdraw their request for an advisory opinion.

FOR FURTHER INFORMATION CONTACT: John Kingery, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone 202–523–1638.

SUPPLEMENTARY INFORMATION: This action is taken under authority of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) and Commission rule 211.54(b) (19 CFR 211.54(b)).

The above-captioned investigation was terminated in November 1984, on the basis of a consent order. Under the consent order, respondents Muller Manufacturing, Ltd., and Muller Packaging Systems, Inc., were not to import certain stretch wrapping machines which allegedly infringe the patent of complainant Lantech, Inc., after August 31, 1985. The date for full compliance was subsequently extended by the Commission to September 14, 1985, pursuant to a joint motion of the parties.

Respondents filed a request for an advisory opinion on September 18, 1985. Respondents requested that the Commission issue an advisory opinion as to whether an allegedly new machine, Dial-A-Stretch, developed by respondents, infringes any claim of the patent at issue in the Commission's investigation. Complainant responded that an advisory opinion would be appropriate under the circumstances and argued that the allegedly new machine is covered by the terms of the consent order. Pursuant to a Commission Action and Order issued December 13, 1985, the Commission certified the request to the ALJ for an IAO to be issued as expeditiously as possible.

On December 30, 1985, respondents filed a motion to withdraw the request for an advisory opinion. The motion was filed with the concurrence of the complainant. Complainant had joined a claim against the allegedly new machine in a U.S. District Court case concerning the same patent at issue in the Commission's section 337 investigation. The parties agreed to litigate the issue in that forum. The Commission investigative attorney filed a response in support of respondents' motion. On January 10, 1986, the ALJ served his IAO granting with prejudice the motion to withdraw the request. Because this was merely a request for an advisory opinion meant to provide business certainty and because the basis for the motion to withdraw the request for an advisory opinion is a choice by the parties of a different forum, a forum clearly available to them prior to the filing of this request, the Commission understands the term "with prejudice" in this instance to mean that neither complaintant nor respondents will be permitted in the future to request an advisory opinion with respect to respondents' Dial-A-Stretch stretch wrapping machine, which was the subjct of this request, regardless of any future alleged "changed circumstances."

Copies of the IAO and all other nonconfidential documents filed in connection with this investigation and with respect to the advisory opinion proceedings are available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436, telephone 202–523–0161.

Hearing impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002.

By order of the Commission.

Issued: January 31, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–2558 Filed 2–5–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigations Nos. 701–TA–267 and 268 (Preliminary) and Investigations Nos. 731–TA–304 and 305 (Preliminary)]

Top-of-the-Stove Stainless Steel Cooking Ware From Korea and Taiwan; Antidumping Investigation

AGENCY: United States International Trade Commission.

ACTION: Institution of preliminary countervailing duty and antidumping investigations and scheduling of a conference to be held in connection with these investigations.

SUMMARY: The Commission hereby gives notice of the institution of preliminary countervailing duty investigations Nos. 701–TA–267 and 268 (Preliminary) under section 703(a) of the Tariff Act of 1930 (19 U.S.C. 1671b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports from Korea and Taiwan of cooking ware of stainless steel, including skillets, fry pans, omelette pans, sauce pans, double boilers, stock pots, sauce pots, dutch ovens, casseroles, and similar stainless steel vessels (but not including teakettles), all the foregoing for cooking on stove-top burners,[1] provided for in item 653.94 of the Tariff Schedules of the United States, which are alleged to be subsidized by the Governments of Korea and Taiwan. As provided in section 703(a), the Commission must complete preliminary countervailing duty nvestigations in 45 days, or in this case by March 7, 1986.

The Commission also gives notice of the institution of preliminary antidumping investigations Nos. 731–TA–304 and 305 (Preliminary) under section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) to determine whether there is a reasonable indication that an industry in the United States is materially injured, or is threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of

[1] The products are made of stainless steel and may have either plain bottoms or contain one or more layers of aluminum, copper, or carbon steel for more even heat distribution.

imports from Korea and Taiwan of top-of-the-stove stainless steel cooking ware, including skillets, fry pans, omelette pans, sauce pans, double boilers, stock pots, sauce pots, dutch ovens, casseroles, and other stainless steel vessels used primarily for cooking on stove top burners, except teakettles,[1] provided for in item 653.94 of the Tariff Schedules of the United States, which are alleged to be sold in the United States at less than fair value. As provided in section 733(a), the Commission must complete preliminary antidumping investigations in 45 days, or in this case by March 7, 1986.

For further information concerning the conduct of these investigations and rules of general application, consult the Commission's rules of practice and procedure, part 207, subparts A and B (19 CFR part 207), and part 201, subparts A through E (19 CFR part 201).

EFFECTIVE DATE: January 21, 1986.

FOR FUTHER INFORMATION CONTACT: Valerie Newkirk (202–523–0165), Office of Investigations, U.S. International Trade Commission, 701 E Street NW., Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–724–0002. Information may also be obtained via electronic mail by accessing the Office of Investigations' remote bulletin board system for personal computers at 202–523–0103.

SUPPLEMENTARY INFORMATION:

Background.—These investigations are being instituted in respose to a petition filed on January 21, 1986, by counsel on behalf of the Fair Trade Committee of the Cookware Manufacturers Association, Walworth, Wisconsin.

Participation in the investigations.—Persons wishing to participate in the investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules (19 CFR 201.11), not later than seven (7) days after publication of this notice in the **Federal Register.** Any entry of appearance filed after this date will be referred to the Chairwoman, who will determine whether to accept the late entry for good cause shown by the person desiring to file the entry.

Service list.—Pursuant to § 201.11(d) of the Commission's rules (19 CFR 201.11(d)), the Secretary will prepare a service list containing the names and addresses of all persons, or their representatives, who are parties to these investigations upon the expiration of the period for filing entries of appearance. In accordance with §§ 201.16(c) and 207.3 of the rules (19 CFR 201.16(c) and 207.3), each document filed by a party to the investigations must be served on all other parties to the investigations (as identified by the service list), and a certificate of service must accompany the document. The Secretary will not accept a document for filing without a certificate of service.

Conference.—The Commission's Director of Operations has schedule a conference in connection with these investigations for 9:30 a.m. on February 12, 1986, at the U.S. International Trade Commission Building, 701 E. Street NW., Washington, DC. Parties wishing to participate in the conference should contact Valerie Newkirk (202–523–0165) not later than February 10, 1986, to arrange for their appearance. Parties in support of the imposition of countervailing and/or antidumping duties in these investigations and parties in opposition to the imposition of such duties will each be collectively allocated one hour within which to make an oral presentation at the conference.

Written submissions.—Any person may submit to the Commission on or before February 14, 1986, a written statement of information pertinent to the subject of the investigations, as provided in § 207.15 of the Commission's rules (19 CFR 207.15). A signed original and fourteen (14) copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the rules (19 CFR 201.8). All written submissions except for confidential business data will be available for public inspection during regular business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary to the Commission.

Any business information for which confidential treatment is desired must be submitted separately. The envelope and all pages of such submissions must be clearly labeled "Confidential Business Information." Confidential submissions and requests for confidential treatment must conform with the requirements of § 201.6 of the Commission's rules (19 CFR 201.6).

Authority: These investigations are being conducted under authority of the Tariff Act of 1930, title VII. This notice is published pursuant to § 207.12 of the Commission's rules (19 CFR 207.12).

By order of the Commission.

Issued: January 29, 1986

Kenneth R. Mason,

Secretary.

[FR Doc. 86–2563 Filed 2–5–86; 8:45 am]

BILLING CODE 7020–02–M

[Investigation 332–2236]

Impact of Increased U.S.-Mexican Trade on Southwest-Border Development

AGENCY: United States International Trade Commission.

ACTION: Institution of investigation and scheduling of public hearings.

EFFECTIVE DATE: January 23, 1986.

FOR FURTHER INFORMATION CONTACT: Jose Mendez (202–523–8267), Research Devision, Office of Economics, U.S. International Trade Commission, Washington, DC 20436 (telephone 202–523–0075).

Background

The Commission instituted the investigation No. 332–223 under section 332(g) of the Tariff Act of 1930 (19 U.S.C. 1332(g)) following receipt on November 25, 1985 of a request therefor from the Committee on Finance of the United States Senate. Pursuant to the Committee's request, the Commission's study shall address the following topics:

(1) A complete report on the nature of trade benefits Mexico receives under current U.S. trade programs, including most-favored-nation duty-free treatment; the Generalized System of Preferences; the U.S. Foreign Trade Zones Act; items 806.30 and 807 of the Tariff Schedules of the United States treatment; and other programs.

(2) A report on the value and volume of imports from Mexico that benefit from each program identified under (1) in period 1975 to 1985 and the reasonably anticipated value and volume of such imports from 1985 to 1990.

(3) An investigation of the impact of U.S. imports from Mexico and U.S. exports to Mexico upon U.S. communities near the border.

(4) A report of Mexican programs, including programs of States of Mexico, to encourage imports from the United States and to encourage industrial and other development along the border; and of U.S. programs, including programs of States of the United States, designed to encourage development along the border.

(5) Possible cooperative programs to encourage development along the border, including industrialization and processing, through increased merchandise trade along the border.

Public Hearings

The Commission will hold two public hearings in connection with this investigation in McAllen, Texas on April 7, 1986 and El Paso, Texas on April 8, 1986. The location and times of these

hearings shall be announced at a later date. All persons shall have the right to appear, by counsel or in person, to present information to be heard. Requests to appear at the public hearing should be filed in writing with the Secretary to the Commission not later than the close of business (5:15 p.m.) on March 24, 1986. All persons desiring to appear at the hearings and make oral presentations should file prehearing briefs. The deadline for filing prehearing briefs is March 26, 1986.

Written Submissions

In lieu of or in addition to appearances at the public hearings, interested persons are invited to submit written statements concerning the investigation. Commercial or financial information which a party desires the Commission to treat as confidential must be submitted on separate sheets of paper, each clearly marked "Confidential Business Information" at the top. All submissions requesting confidential treatment must conform with the requirements of § 201.6 of the Commission's rules of practice and procedure (19 CFR 201.6). All written submissions, except for confidential business information, will be made available for inspection by interested persons. To be assured of consideration by the Commission, written statements should be received no later than March 24, 1986. All submissions should be addressed to the Secretary at the Commission's office in Washington, DC.

Posthearing briefs must be submitted not later than the close of business on April 21, 1986. A signed original and 14 true copies of each submission must be filed with the Secretary to the Commission in accordance with § 201.8 of the Commission's rules (19 CFR 201.8).

Hearing-impaired persons are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 724–0002.

By order of the Commission.

Issued: January 28, 1986.

Kenneth R. Mason,

Secretary.

[FR Doc. 86–2562 Filed 2–5–86; 8:45 am]

BILLING CODE 7020-02-M

INTERSTATE COMMERCE COMMISSION

[Ex Parte No. 388 (Sub-32)]

Intrastate Rail Rate Authority; Utah

AGENCY: Interstate Commerce Commission.

ACTION: Assumption of Commission jurisdiction over Utah Intrastate Rail Transportation.

SUMMARY: Pursuant to a request from the Public Service Commission of Utah (PSUC), the Commission will assert jurisdiction over intrastate freight rates in Utah and vacate the provisional certification of PSCU.

EFFECTIVE DATE: March 7, 1986.

FOR FURTHER INFORMATION CONTACT: Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTAL INFORMATION: In Ex Parte No. 388 (Sub-No. 32), *Intrastate Rail Rate Authority-Utah* (not printed), served October 10, 1984, the Commission extended the provisional certification, pursuant to 49 U.S.C. 11501, of Utah to allow the State time to make necessary statutory amendments, in conformance with Federal law, as set forth in that decision.

As requested by the Public Service Commission of Utah in a letter filed January 9, 1986, the Commission is vacating the provisional certification of the PSCU and assuming jurisdiction over Utah intrastate rail rates.

Rail carriers in Utah shall comply with Commission regulations including the filing of intrastate tariffs with the Commission. Parties that wish to continue litigating cases that were pending before PSCU shall so advise Deputy Director Louis E. Gitomer, Rail Section, Office of Proceedings. In the case of any remaining pending State section 229 cases, parties shall consult immediately with Chief Administrative Law Judge David Allard. In this way, we will develop, with the parties, appropriate steps in each case to transfer the records and establish procedural schedules.

This decision does not significantly affect either the quality of the human environment or conservation of energy resources.

Authority: 49 U.S.C. 11501.

Decided: January 30, 1986.

By the Commission, Chairman Gradison, Vice Chairman Simmons, Commissioners Sterrett, Andre, and Lamboley.

James H. Bayne,

Secretary.

[FR Doc. 86–2603 Filed 2–5–86; 8:45 am]

BILLING CODE 7035-01-M

[Finance Docket No. 30757]

Norfolk and Western Railway Co. Trackage Rights Exemption; Consolidated Rail Corp.

Consolidated Rail Corporation has agreed to grant overhead trackage rights to Norfolk and Western Railway Company for a term of 5 years, over 4.3 miles of its line in Toledo, OH, between Milepost 287.9 and Rockwell Junction (Milepost 2.4) and Stanley (Milepost 4.0). The trackage rights were effective on December 16, 1985.

This notice is filed under 49 CFR 1180.2(d)(7). Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not stay the transaction.

Dated: January 31, 1986.

By the Commission, Jane F. Mackall, Director, Office of Proceedings.

James H. Bayne,

Secretary.

[FR Doc. 86–2604 Filed 2–5–86; 8:45 am]

BILLING CODE 7035-01-M

[Docket No. AB-33 (Sub-36X); AB-36 (Sub-22X)]

Union Pacific Railroad Co.—Exemption to Discontinue Operations in Salt Lake County, UT; Oregon Short Line Railroad Co.; Exemption; Abandonment in Salt Lake County, UT

AGENCY: Interstate Commerce Commission.

ACTION: Notice of Exemption.

SUMMARY: The Interstate Commerce Commission exempts from the prior approval requirements of 49 U.S.C. 10903 *et seq.*, the discontinuance of operations by the Union Pacific Railroad Company and the abandonment by the Oregon Short Line Railroad Company of 1.66 miles of track in Salt Lake City, UT, subject to standard labor protective conditions.

DATES: This exemption shall be effective on March 7, 1986. Petitions to stay must be filed by February 21, 1986. Petitions for reconsideration must be filed by March 3, 1986.

ADDRESSES: Send pleadings referring to Docket No. AB–33 (Sub–No. 36X) and Docket No. AB–36 (Sub–No. 22X) to:

(1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423

(2) Petitioners' representatives, Joseph D. Anthofer, Jeanna L. Regier, Union Pacific Railroad Company, 1416 Dodge Street, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT:
Louis E. Gitomer, (202) 275–7245.

SUPPLEMENTARY INFORMATION:
Additional information is contained in the Commission's decision. To purchase a copy of the full decision write to T.S. InfoSystems, Inc., Room 2229, Interstate Commerce Commission Building, Washington, DC 20423, or call 289–4357 (DC Metropolitan area) or toll free (800) 424–5403.

Decided: December 5, 1985.

By the Commission, Chairman Taylor, Vice Chairman Gradison, Commissioners Sterrett, Andre, Simmons, Lamboley and Strenio.

James H. Bayne,

Secretary.

[FR Doc. 86–2602 Filed 2–5–86; 8:45 am]

BILLING CODE 7035–01–M

DEPARTMENT OF JUSTICE

Drug Enforcement Administration

[Docket No. 85–22]

Joseph V. Cusmano, M.D.; Revocation of Registration

On March 7, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA), issued to Joseph V. Cusmano, M.D. (Respondent) of 19719 Oakbrook Circle, Boca Raton, Florida 33434, an Order to Show Cause, proposing to revoke Respondent's DEA Certificate of Registration AC5265396. The statutory ground under 21 U.S.C. 824(a)(2) for the proposed action is Respondnet's conviction on January 10, 1985, of conspiring to import marijuana in violation of 21 U.S.C. 963, and of conspiring to possess marijuana with intent to distribute in violation of 21 U.S.C. 841(a)(1) and 846. Each is a felony offense relating to a controlled substance. Respondent, through counsel, requested a hearing on the issues raised by the Order to Show Cause.

The hearing in this matter was held in Miami, Florida on May 23, 1985. Administrative Law Judge Francis L. Young issued his opinion and recommended ruling, findings of fact, conclusions of law and decision. No exceptions were filed and on November 25, 1985, Judge Young transmitted the record of these proceedings to the Administrator. The Administrator has considered this record in its enfirety and, pursuant to 21 CFR 1316.67, hereby isues his final order in this matter, based on the following findings of fact and conclusions of law.

The Administrative Law Judge found that Respondent, a radiologist in Delray Beach, Florida, first came to the investigative attention of DEA in May, 1984, when a confidential informant reported that Dr. Cusmano proposed to the informant that they use a large ocean-going sailboat to import marijuana from Jamaica. DEA Agents directed the informant to determine if Respondent would be interested in using a DC–3 airplane in such an undertaking, rather than a sailboat. Respondent agreed to this approach.

After negotiations between Respondent, the informant and a DEA undercover agent, it was agreed that a flight to Jamaica would take place utilizing the DC–3 to pick up the load of marijuana. Due to inclement weather and a miscommunication between Respondent and another subject by the name of Ben White, the mission was aborted. As a result of this investigation, Respondent was convicted on January 10, 1985, in the United States District Court for the Southern District of Florida, for conspiring to import marijuana and conspiring to possess marijuana with intent to distribute it. These are felony convictions related to controlled substances. There is, therefore, a lawful basis for the revocation of Respondent's registration. 21 U.S.C. 824(a)(2). As a result of these convictions, Respondent was sentenced to five years imprisonment and five years probation. Respondent is currently incarcerated and is unable to practice medicine. His conviction is on appeal and Respondent has filed a motion for new trial.

The Administrative Law Judge further found that Respondent was the central moving force behind the planned operation to smuggle marijuana into the United States. Respondent kept in close contact with the DEA undercover agent and was adamant about being kept fully informed of any action. Respondent was never hesitant and never showed any fear or uncertainty as to the eventual objective. The record establishes that Respondent is a very competent and highly regarded radiologist. He appears to have been financially successful in his professional practice. There was no showing of any financial pressure to involve himself in this marijuana smuggling activity, nor would such pressures excuse a physician's participation in such illicit activity.

The Administrative Law Judge found that the fact that marijuana is a proscribed substance, beyond the pale of Respondent's DEA registration, is irrelevant. The Administrator has so ruled in a number of past cases. See *Coleman Preston McCown, D.D.S.*, Docket No. 82–28, 49 FR 45818 (1984) (illegal distribution of cocaine); *Tilman J. Bentley, D.O.*, Docket No. 32–22, 49 FR 35049 (1984) (conspiracy to manufacture methaqualone); *Dennis Howard Harris, M.D.*, Docket No. 84–19, 49 FR 39930 (1984) (attempted manufacture of MDA); *Aaron A. Moss, D.D.S.*, Docket No. 80–2, FR 72850 (1980) (smuggling cocaine into the United States). The facts in each case, and in this one, demonstrate a basic lack of trustworthiness, regardless of the controlled substance involved. Respondent clearly emerges as a person not to be trusted with a DEA registration.

Finally, the Administrative Law Judge found the fact that Respondent's conviction is on appeal irrelevant to the present action. If Respondent's pending new trial motion results in his conviction being overturned, then this basis for revocation of his registration would no longer exist. At this time, however, there is a lawful basis for the revocation of Respondent's registration. Therefore, Judge Young recommended that Respondent's DEA Certification of Registration be revoked.

The Administrator adopts the recommended rulings, findings of fact, conclusions of law and decision of the Administrative Law Judge in their entirety.

Having concluded that there is a lawful basis for the revocation of the Respondent's registration, and having further concluded that under the facts and circumstances presented in this case the registration should be revoked, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100, hereby orders that DEA Certification of Registration AC5265396, previously issued to Joseph V. Cusmano, M.D., be, and is hereby revoked.

Dated: February 3, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86–2638 Filed 2–5–86; 8:45 am]

BILLING CODE 4410–09–M

Richard Oliver Ranheim, M.D.; Denial of Application

On December 16, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to Richard Oliver Ranheim, M.D. (Respondent) of Mansura, Louisiana, an Order to Show Cause proposing to deny his application, executed on July 22, 1985, for registration as a practitioner under 21 U.S.C. 823(f). The statutory basis for the proposed action was that Dr. Ranheim is not currently authorized by the State of Louisiana to prescribe, dispense,

administer or otherwise handle controlled substances. 21 U.S.C. 824(a)(3). In addition, the Order to Show Cause alleged that Dr. Ranheim materially falsified his application by indicating that he had never surrendered a CAS registration, when in fact he did surrender DEA Certificate of Registration, AR9595919 on October 18, 1984. 21 U.S.C. 824(a)(1).

On January 11, 1986, in lieu of requesting a hearing, Respondent submitted a written statement regarding his position on the issues raised by the Order to Show Cause pursuant to 21 CFR 1301.54(c). The Administrator enters his final order in this matter based on the investigative file and Respondent's written statement. 21 CFR 1301.57.

The Administrator finds that the Louisiana State Board of Medical Examiners conducted an administrative hearing on August 24, 1984, to adjudicate alleged violations of the Louisiana Medical Practice Act by Dr. Ranheim, to-wit: "[p]rescribing, dispensing or administering habit-forming or other legally controlled substances in other than a legal or legitimate manner; continuing or recurring medical practice which fails to satisfy the prevailing and usually accepted standards of medical practice in Louisiana; and professional or medical incompetency." Subsequently, the Louisiana State Board of Medical Examiners rendered a Final Decision in this matter on September 20, 1984. The Board ordered that Dr. Ranheim's license to practice medicine in the State of Louisiana be suspended for five years, with the suspension stayed except for the period beginning October 1, 1984 and ending March 31, 1985, during which the suspension shall have full force and effect. In addition, the Board further ordered that, "Dr. Ranheim shall not, from October 1, 1984, until further order from the board, prescribe, dispense or administer controlled substances as defined enumerated or included in 21 CFR 1308.11—1308.15 and LSA–R.S. 40:964 and any substance which hereafter may be included in any controlled substances schedule by amendment or revision of the cited regulations or statute."

As a result of this order by the Board, Dr. Ranheim surrendered his DEA Certificate of Registration AR9595919 on October 18, 1984. Dr. Ranheim is now seeking a new DEA Certificate of Registration.

The Administrator finds that in a letter dated October 28, 1985, the Executive Assistant of the Louisiana State Board of Medical Examiners confirmed that Dr. Ranheim has had no authority to prescribe, administer or dispense controlled substances since October 1, 1984, and will continue to have no such authority until the Louisiana State Board of Medical Examiners amends its Final Decision of September 20, 1984.

DEA has consistently held that if a registrant or applicant is without authority to handle controlled substances under the laws of the state in which he practices or proposes to practice, DEA is without statutory authority to issue or maintain a registration. See, *Avner Kauffman, M.D.*, Docket No. 85–8, 50 FR 34208 (1985); *Sam S. Misasi, D.O.*, 50 FR 11469 (1985); *Jesse Gutman, D.D.S.*, 49 FR 28780 (1984) and cases cited therein.

The administrator concludes that Respondent lacks authority under state law to handle controlled substances in Louisiana, the state in which he wishes to become registered. Therefore, DEA cannot register Respondent in Louisiana. Additionally, the Administrator concludes that Dr. Ranheim materially falsified his application for registration by indicating that he had never surrendered a CSA registration, when in fact he did surrender DEA Certificate of Registration, AR9595919 on October 18, 1984. Based on the foregoing reasons, the Administrator must deny Respondent's application for registration.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that the application of Richard Oliver Ranheim, M.D., for registration under the Controlled Substance Act, be, and it hereby is denied effective February 6, 1986.

Dated: February 3, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86–2639 Filed 2–5–86; 8:45 am]

BILLING CODE 4410–09–M

John H. Story, M.D.; Revocation of Registration

On November 1, 1985, the Deputy Assistant Administrator, Office of Diversion Control, Drug Enforcement Administration (DEA) issued to John H. Story, M.D. of 25 West 10th Street, Lovell, Wyoming 32421 (Respondent), an Order to Show Cause proposing to revoke DEA Certificate of Registration AS3255824, issued to Respondent as a practitioner under 21 U.S.C. 823(f). The statutory predicate for the proposed action is that Respondent is not authorized to handle controlled substances in the State of Wyoming due to the revocation of his license to practice medicine in that State.

In a letter dated November 21, 1985, Respondent's counsel specifically waived Respondent's opportunity for a hearing and instead filed a written statement regarding his position on the matters of fact and law involved. 21 CFR 1301.54(c). The Administrator has considered the entire investigation file in this matter, including Respondent's written statement, and hereby issues this final order based upon findings of fact and conclusions of law as hereinafter set forth.

The Administrator finds that on June 30, 1984, the State of Wyoming, Board of Medical Examiners ordered the revocation of the medical license of John Story, M.D. The revocation was based upon the conviction of Dr. Story in the District Court for the County of Big Horn of three counts of assault and battery with intend to commit rape.

Respondent's counsel, in his letter dated November 21, 1985, acknowledges that Respondent is not currently licensed to practice medicine in Wyoming. The letter continues by stating that Respondent is licensed to practice medicine in the State of Nebraska. Respondent's counsel also indicates that the basis for the revocation of his medical license is not related to handling of controlled substances, and that the action is under appeal.

The Administrator notes that the fact that Respondent is licensed to practice medicine in the State of Nebraska is irrelevant to the determination of whether Respondent may lawfully possess a DEA registration in the State of Wyoming, where he is not licensed to practice. If Respondent intends to practice medicine in the State of Nebraska, and wishes to apply for a DEA Certificate of Registration, he must do so as a practitioner in the State of Nebraska. In addition, the basis for the revocation of his medical license is irrelevant. The Administrator has consistently held that when a DEA registrant is not authorized to handle controlled substances under the laws of the State in which he practices, DEA is without lawful authority to maintain a registration. See *Avner Kauffman, M.D.*, Docket No. 85–8, 50 FR 34208 (1985) *Kenneth K. Birchard, M.D.*, 48 FR 33778 (1983), and *Thomas E. Woodson, D.O.*, Docket No. 81–4, 47 FR 1353 (1982).

Finally, the Administrator finds the fact that the revocation of Respondent's license is on appeal irrelevant to the present action. Respondent is not

currently licensed to practice medicine or authorized to handle controlled sustances in the State of Wyoming. At this time, there is a lawful basis for the revocation of Respondent's registration.

Accordingly, the Administrator of the Drug Enforcement Administration, pursuant to the authority vested in him by 21 U.S.C. 823 and 824 and 28 CFR 0.100(b), hereby orders that DEA Certificate of Registration AS3255824, issued to John H. Story, M.D., be, and hereby is revoked effective March 10, 1986.

Dated: February 3, 1986.

John C. Lawn,

Administrator.

[FR Doc. 86-2640 Filed 2-5-86; 8:45 am]

BILLING CODE 4410-09-M

MERIT SYSTEMS PROTECTION BOARD

Significant Actions of OPM; Issuance of Orders Under Section 1205(e) Concerning Regulation Review

AGENCY: Merit Systems Protection Board.

ACTION: Notice of Order.

SUMMARY: 5 U.S.C. 1205(e) authorizes the Board to review rules and regulations issued by the Office of Personnel Management (OPM) and their implementation by other federal agencies in order to determine if they have required or would require any federal employee to commit a prohibited personnel practice in violation of 5 U.S.C. 2302(b). Mr. Berry Nelson, Administrative Director, National Council of Field Assessment Locals, American Federation of Government Employees has petitioned the Board under 5 U.S.C. 1205(e)(1) (B) to review certain performance standards of the Social Security Administration implemented on or about October 1, 1983. It is alleged that those standards represent an invalid implementation of Office of Personnel Management regulations concerning performance appraisal systems. Because the petition failed to present any particular instance of invalid implementation and the regularity of performance standards can be challenged by way of appeal from performance-based personnel actions, the petition has been denied.

FOR FURTHER INFORMATION CONTACT: .William Cardoza, Office of General Counsel, Merit Systems Protection Board, 1120 Vermont Avenue, NW., Washington, D.C. 20419, (202) 653-8911.

Dated: January 31, 1986.

Herbert E. Ellingwood,

Chairman.

[FR Doc. 86-2605 Filed 2-5-86; 8:45 am]

BILLING CODE 7400-01-M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

Humanities Panel Meeting

AGENCY: National Endowment for the Humanities.

ACTION: Notice of Meeting.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Pub. L. 92-463, as amended), notice is hereby given that the following meeting of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506:

Date: February 24-25, 1986.

Time: 8:30 a.m. to 5:00 p.m.

Room: 315.

Program: This meeting will review applications for support of Editions of American materials submitted to the Editions category of the Texts Program in the Division of Research Programs, for projects beginning after July 1, 1986.

The proposed meeting is for the purpose of Panel review, discussion, evaluation and recommendation of applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by grant applicants. Because the proposed meeting will consider information that is likely to disclose: (1) Trade secrets and commercial or financial information obtained from a person and privileged or confidential; (2) information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy; and (3) information the disclosure of which would significantly frustrate implementation of proposed agency action; pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee Meetings, dated January 15, 1978, I have determined that this meeting will be closed to the public pursuant to subsections (c) (4), (6) and (9) (B) of section 552b of title 5, United States Code.

Further information about this meeting can be obtained from Mr. Stephen J. McCleary, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, D.C. 20506, or call (202) 786-0322.

Stephen J. McCleary,

Advisory Committee Management Officer.

[FR Doc. 86-2625 Filed 2-5-86; 8:45 am]

BILLING CODE 7536-01-M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Design, Manufacturing, and Computer Engineering; Open Meeting

In accordance with the Federal Advisory Committee Act, Pub. L. 92-463, the National Science Foundation announces the following meeting:

Name: Advisory Committee for Design, Manufacturing, and Computer Engineering (DMCE).

Date and time: February 24-25, 1986, 9:00 a.m.-5:00 p.m., February 24 9:00 a.m.-3:00 p.m., February 25.

Place: National Science Foundation, 1800 G Street, NW., Washington, DC, Room 540-February 24; Room 523-February 25.

Type of meeting: Open.

Contact person: Dr. Bernard Chern, Division Director, DMCE, Room 1108, National Science Foundation, Telephone: 202/357-7508.

Summary minutes: Dr. Chern.

Purpose of meeting: To provide advice, recommendations, and counsel on major goals and policies pertaining to the Division of Design, Manufacturing, and Computer Engineering.

Summarized agenda: Discussions on issues, opportunities and future directions for the Division in Design, Manufacturing, and Computer Engineering; discussion of the DMCE budget for FY 1986; discussion of budget issues with the NSF Assistant Director for Engineering, as well as other items.

Dated: February 3, 1986.

M. Rebecca Winkler,

Committee Management Officer.

[FR Doc. 86-2656 Filed 2-5-86; 8:45 am]

BILLING CODE 7555-01-M

OVERSEAS PRIVATE INVESTMENT CORPORATION

Agency Report Forms Under OMB Review

AGENCY: Overseas Private Investment Corporation.

ACTION: Request for Comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35), agencies are required to submit information collection requests to OMB for review and approval, and to publish a notice in the **Federal Register** notifying the public that the Agency has

made such a submission. The proposed form under review is summarized below.

DATE: Comments must be received within 14 calendar days of this notice. If you anticipate commenting on the form but find that time to prepare will prevent you from submitting comments promptly, you should advise the OMB Reviewer and the Agency Submitting Officer of your intent as early as possible.

ADDRESS: Copies of the subject form and the request for review submitted to OMB may be obtained from the Agency Submitting Officer. Comments on the form should be submitted to the Agency Submitting Officer and the OMB Reviewer.

FOR FURTHER INFORMATION CONTACT:

OPIC Agency Submitting Officer: L. Jacqueline Brent, Office of Personnel and Administration, Overseas Private Investment Corporation, Suite 461, 1615 "M" Street, NW., Washington, DC 20527; Telephone (202) 457–7151.

OMB Reviewer: Francine Picoult, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, DC 20503; Telephone (202) 395–7231.

Summary of Form Under Review:

Type of Request: Revision
Title: Contractors and Exporters Application Form
Form Number: OPIC–81
Frequency of Use: Nonrecurring
Type of Respondent: Business or other institutions (except farms)
Standard Industrial Classification Codes: All
Description of Affected Public: Business firms requesting OPIC insurance
Number of Responses: 100
Reporting Hours: 200
Federal Cost: $1,000.00
Authority for Information Collection: Sections 231 and 234(a) of the Foreign Assistance Act of 1961, as amended
Abstract (Needs and Uses): Forms are sent to entities seeking OPIC insurance and solicit only information required by OPIC to enable it to process insurance policies requested by such entities.

Dated: January 10, 1986.

Robert C. Sullivan,

Office of the General Counsel.

[FR Doc. 86–2566 Filed 2–5–86; 8:45 am]

BILLING CODE 3210–01–M

POSTAL RATE COMMISSION

[Docket No. SS86–1]

Agency Information Collection Activities Under OMB Review

January 31, 1986.

Before Commissioners: Janet D. Steiger, Chairman; Henry R. Folsom, Vice-Chairman; John W. Crutcher; Bonnie Guiton; Patti Birge Tyson.

AGENCY: Postal Rate Commission.

ACTION: In accordance with the Paperwork Reduction Act of 1980 (44 U.S.C. Chapter 35) the Commission has submitted the following proposal for the collection of information to the Office of Management and Budget for emergency, or expedited review and approval.

Summary of Proposal: A one-time information collection effort, Docket No. SS86–1, to ascertain the types of advertisements which are supported by federal subsidies for categories of "preferred rate" mail. The Commission has been asking to develop recommendations for legislation which would reduce the amount of such subsidies. Voluntary responses will be sought from 2,500 mailers.

Additional Information or Comments: Copies of the above information request proposal can be obtained by calling or writing Charles L. Clapp, Postal Rate Commission, 1333 H Street, N.W., Washington, DC 20268–0001, (202) 789–6840. Comments may be sent to the Postal Rate Commission and to Michael Weinstein, OMB Desk Officer for the Postal Rate Commission, Room 3235, New Executive Office Building, Washington, DC 20503.

Charles L. Clapp,

Secretary.

[FR Doc. 86–2550 Filed 2–5–86; 8:45 am]

BILLING CODE 7715–01–M

PRESIDENTIAL TASK FORCE ON PROJECT ECONOMIC JUSTICE

Meeting

In accordance with Federal Advisory Committee Act, Pub. L. 92–463, the Presidential Task Force on Project Economic Justice announces the following meeting:

Date: Monday, March 3, 1986.
Time: 9:00 a.m.–3:00 p.m.
Place: Department of State, Conference Room 1205, C Street Entrance, Washington, DC 20520.
Type of Meeting: Open.
Contact Person: Bruce L. Mazzie, Executive Director, Presidential Task Force on Project Economic Justice, 655 Fifteenth Street, NW, Suite 200, Washington, DC 20005, (202) 639–8090.

Purpose and Agenda: To review materials prepared for the report prepared by members of the Task Force.

Bruce L. Mazzie,

Executive Director and Committee Management Officer.

[FR Doc. 86–2620 Filed 2–5–86; 8:45 am]

BILLING CODE 0000–00–M

RAILROAD RETIREMENT BOARD

Privacy Act of 1974; Proposed Changes to Systems of Records

AGENCY: Railroad Retirement Board.

ACTION: Notice of proposed changes to systems of records.

SUMMARY: The purposes of this document are (1) to give notice of 33 proposed routine uses for 19 of the RRB's systems of records; (2) to give notice of 30 revisions of existing routine uses in 17 systems of records; (3) to delete the same routine use in 2 systems of records; and (4) to give notice of several changes in other categories for several systems of records.

DATES: The new routine uses that are proposed shall be effective as proposed without further notice 30 calendar days from the date of this publication unless comments are received before this date which would result in a contrary determination. All other changes shall be effective as of the date of this publication.

ADDRESS: Send comments to Beatrice Ezerski, Secretary to the Board, Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

FOR FURTHER INFORMATION CONTACT: LeRoy Blommaert, Privacy Act Officer, Railroad Retirement Board, 844 Rush Street, Chicago, IL 60611, (312) 751–4548 (FTS 387–4548).

SUPPLEMENTARY INFORMATION

Part I: Proposed Routine Uses

One routine use proposed for inclusion in 19 systems of records (RRB–1, "s"; RRB–3, "o"; RRB–4, "g"; RRB–5, "p"; RRB–6, "p"; RRB–7, "r"; RRB–9, "j"; RRB–17, "g"; RRB–20, "u"; RRB–21, "aa"; RRB–22, "ii"; RRB–34, "f"; RRB–35, "e"; RRB–36, "d"; RRB–38, "j"; RRB–39, "q"; RRB–40, "r"; RRB–41, "p"; RRB–42, "f") would permit the disclosure of relevant information to the Office of the President of the United States for use in responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf. This routine use is similar to an existing routine use which provides for disclosure to Congressional office from the record of an individual for use in responding to an

inquiry made to that office by the subject individual.

Proposed routine use "q" in system of records RRB–1 would provide for disclosure of beneficiary identifying information, address, amounts of benefits paid and repaid, beneficiary withholding instructions, and amounts withheld by the RRB for tax purposes to the IRS for tax administration. This routine use is identical to routine use "hh" in system of records RRB–22, which was previously published. It is required by a change in the law providing for the taxability of portions of SSA benefits under certain conditions.

Proposed routine use "r" in system records RRB–1 would provide for disclosure of beneficiary identifying information, entitlement data, and benefit rates to the Department of State and embassy and consular officials, to the American Institute on Taiwan, and to the Veterans' Administration, Regional Office, Philippines, to aid in insuring the continued payment of beneficiaries living abroad. This routine use is identical to routine use "j" in system of records RRB–22, which was previously published; inadvertantly it was not published previously.

Proposed routine use "j" in system of records RRB–3 would provide for disclosure of necessary information to the U.S. Postal Service and to State and local police authorities for investigation of the loss, theft, and/or forgery of Medicare checks. This routine use is similar to routine use "d" in system of records RRB–21 and routine use "f" in system of records RRB–22; inadvertantly it was not published previously.

Proposed routine use "k" through "n" in system of records RRB–3 are unique to this system, "MEDICARE: Part B (Supplementary Medical Insurance) Payment System—Contract to the Travelers Insurance Company." They parallel similar routine uses in HCFA's similar system of records.

Proposed routine use "k" would permit disclosure of relevant information to state licensing boards for review of unethical practices or unprofessional conduct on the part of health providers, and when such information has been so disclosed, also to state agencies investigating such conduct under Titles V and XIX, to the Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) and to CHAMPUS contractors that are not also Medicare contractors.

Proposed routine use "m" would permit disclosure to a state agency charged with administration of a program under Title XIX (or to a carrier acting for a state agency) of the following information: The physician's name, other practitioner and supplier identification numbers, and charges of physicians or other suppliers for services furnished to beneficiaries.

Proposed routine use "n" would permit disclosure to a state agency or to a carrier acting for a state agency charged with administration of a program under Title XIX of an individual's entitlement, benefit payment or benefit utilization.

Proposed routine use "s" in system RRB–20, "Health Insurance and Supplementary Medical Insurance Enrollment and Premium Payment System (MEDICARE)," would permit disclosure to the Department of the Treasury for the purpose of investigating alleged forgery or theft of Medicare reimbursement checks. Proposed routine use "t" of the same system would permit disclosure to the U.S. Postal Service for the same purpose. Both these routine uses are found in other systems: Proposed routine use "s" is similar to routine use "c" in system of records RRB–21 and to routine use "e" in system of records RRB–22.

Proposed routine use "z" in system of records RRB–21, "Railroad Unemployment and Sickness Insurance Benefit System," would permit disclosure to claimant's last railroad employer of the amount of each sickness benefit that is subject to a tier 1 railroad retirement tax and the amount of the tier 1 tax withheld to enable that employer to compute its tax liability under the Railroad Retirement Tax Act. Proposed routine use "bb" in the same system of records would permit disclosure to the Internal Revenue Service for tax administration purposes of the amount of sickness benefits paid and claimant identifying information except for sickness benefits paid for an on-the-job injury. Such sickness benefits became taxable under the Internal Revenue Code as a result of the enactment of the Railroad Retirement Solvency Act of 1983.

Proposed routine use "jj" in system of records RRB–22, "Railroad Retirement, Survivor, and Pensioner Benefit System," would permit disclosure of last address and beneficiary identifying information to railroad employers for the purpose of mailing railroad passes to retired employees and their families.

Proposed routine use "c" in system of records RRB–36, renamed "Complaint, Grievance, Disciplinary and Adverse Action Files," would permit disclosure to the Merit System Protection Board or an arbitrator to adjudicate an appeal, complaint, or grievance.

Proposed routine use "p" in system of records RRB–39, "Milwaukee Railroad Restructuring Act Benefit System," would permit the disclosure to the Internal Revenue Service for tax administration purposes of the amount of supplementary unemployment insurance paid, if $10 or more in a calendar year, and claimant identifying information.

Part II: Revisions of Existing Routine Uses

The following existing routine uses in the following systems of records are being revised to better express what information is being disclosed and for what purposes, or to change the name of the organization to which the information can be disclosed due to the renaming of the organization, or to limit the conditions under which disclosure can be made:

RRB–1	"c," "e," and "o"
RRB–3	"b" and "h"
RRB–5	"l"
RRB–6	"m"
RRB–7	"p"
RRB–8	"d"
RRB–9	"h"
RRB–10	only routine use
RRB–11	only routine use
RRB–17	"g"
RRB–20	"d," "e," "j," "k," and "q"
RRB–21	"e," "s," and "w"
RRB–22	"e" and "x"
RRB–38	"h"
RRB–39	"i," "n," and "o"
RRB–41	"i" and "k"
RRB–42	"c"

These revisions do not constitute new or expanded disclosures.

Part III: Changes in Other Categories

System name:

We revised the system name for systems RRB–5, RRB–15, RRB–35, and RRB–36 to better express the content of these systems.

Categories of individuals covered by the system:

We revised this category for systems RRB–1, RRB–4, RRB–5, RRB–12, RRB–36, & RRB–37 to better or more comprehensively describe the individuals covered by the system. None of the revisions reflect new groups of individuals covered by the system.

Categories of records in the system:

We revised this category for systems RRB–4, RRB–5, RRB–34, RRB–35, RRB–36, & RRB–40 to correctly or more comprehensively describe the categories of records in these systems. None of the revisions reflect any new categories of records added to the systems.

Authority for maintenance of the system:

We revised this category in system RRB–36 to reflect the correct legal citations.

Storage and Safeguards:

We revised these two categories for system RRB–36.

Retention and disposal:

We revised this category for systems RRB–8, RRB–9, RRB–17, RRB–35, RRB–36, RRB–38, & RRB–39.

System manager(s):

Because of organizational changes, we changed the name of the system managers in the following systems: RRB–3, RRB–5, RRB–8, RRB–9, RRB–10, RRB–11, RRB–12, RRB–13, RRB–15, RRB–16, & RRB–37.

Record source categories:

We revised this category for system RRB–36.

Part IV: Systems Covered by This Document

RRB–1 Social Security Benefit Vouchering System
RRB–3 Medicare, Part B (Supplementary Medical Insurance Payment System—Contracted to the Travelers Insurance Company)
RRB–4 Microfiche of Estimate Annuity, Total Compensation and Residual Amount File
RRB–5 Master File of Railroad Employees' Creditable Compensation
RRB–6 Unemployment Insurance Record File
RRB–7 Applications for Unemployment Benefits and Placement Service under the Railroad Unemployment Insurance Act
RRB–8 Railroad Retirement Tax Reconciliation System
RRB–9 Protest and Appeals under the Railroad Unemployment Insurance Act
RRB–10 Legal Opinion Files
RRB–11 Files on Concluded Litigation
RRB–12 Railroad Employees Registration File
RRB–13 Disclosure of Information Files
RRB–14 Freedom of Information Act Register
RRB–15 Covered Abandoned Railroads
RRB–16 Social Security Administration Summary Earnings File
RRB–17 Appeal Decisions from Initial Denials for Benefits Under the Provisions of the Railroad Retirement Act.
RRB–18 Travel and Miscellaneous Voucher Examining System
RRB–19 Payroll Record System
RRB–20 Health Insurance and Supplementary Medical Insurance Enrollment and Premium Payment System (MEDICARE)
RRB–21 Railroad Unemployment and Sickness Insurance Benefit System
RRB–22 Railroad Retirement, Survivor, and Pensioner Benefit System
RRB–34 Employee Personnel Management Files
RRB–35 Employee Promotion Evaluation File
RRB–36 Negotiated Grievance File
RRB–37 Medical Records on Railroads Retirement Board Employees
RRB–38 Regional Rail Reorganization Act Reimbursement System
RRB–39 Milwaukee Railroad Restructuring Act Benefit System
RRB–40 Regional Rail Reorganization Act Title VII Benefit System
RRB–41 Rock Island Railroad Transition and Employee Assistance Act Benefit System
RRB–42 Uncollectible Benefit Overpayment Accounts

Part V: Previous Publication

Unless noted otherwise below, all systems covered by this document were last published in their entirety on September 20, 1977, at 42 FR 47469–88.

RRB–1 August 12, 1981, at 46 FR 40842–43
RRB–5 September 26, 1978, at 43 FR 43642–43
RRB–6 September 26, 1978, at 43 FR 43644–45
RRB–7 September 26, 1978, at 43 FR 43645–46
RRB–19 March 13, 1980, at 45 FR 16373–74
RRB–20 March 13, 1980, at 45 FR 16374–75
RRB–21 March 13, 1980, at 45 FR 16375–76
RRB–22 August 12, 1981, at 46 FR 40843–44
RRB–39 August 12, 1981, at 46 FR 40845–46
RRB–40 March 18, 1982, at 47 FR 11796–97
RRB–41 September 11, 1983, at 48 FR 43246–48
RRB–42 March 2, 1984, at 49 FR 7900–01

Dated: January 30, 1986.

By Authority of the Board.

Beatrice Ezerski,

Secretary to the Board.

RRB–1

SYSTEM NAME:

Social Security Benefit Vouchering System—RRB.

* * * * *

This section is revised to read as follows:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants after December 31, 1974, for benefits under Title II of the Social Security Act who have completed ten years of creditable service in the railroad industry, the spouse and/or divorced spouse or survivor of such an individual.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Paragraphs "c," "e," and "o" are revised to read as follows:

* * * * *

c. Benefit rates, names, and addresses may be released to the Department of the Treasury to control for reclamation and return of outstanding benefit payments, to issue benefit payments, act on reports of non-receipt, to insure delivery of payments to the correct address of the beneficiary or representative payee or to proper financial organization, and to investigate alleged forgery, theft or unlawful negotiation of railroad retirement or social security benefit checks or improper diversion of payments directed to a financial organization.

* * * * *

e. Beneficiary identifying information, effective date, benefit rates, and months paid may be furnished to the Veterans Administration for the purpose of assisting that agency in determining eligibility for benefits or verifying continued entitlement to and the correct amount of benefits payable under programs which it administers.

* * * * *

o. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Retirement Act or provided that disclosure would be

clearly in the furtherance of the interest of the subject individual.

* * * * *

Paragraphs "q," "r," and "s" are added to read as follows:

* * * * *

q. For payments made after December 31, 1983, beneficiary identifying information, address, amounts of benefits paid and repaid, beneficiary withholding instructions, and amounts withheld by the RRB for tax purposes may be furnished to the Internal Revenue Service for tax administration purposes.

r. Beneficiary identifying information, entitlement data, and benefit rates may be released to the Department of State and embassy and consular officials, to the American Institute on Taiwan, and to the Veterans Administration Regional Office, Philippines, to aid in insuring the continued payment of beneficiaries living abroad.

s. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

* * * * *

RRB-3

SYSTEM NAME:

Medicare: Part B (Supplementary Medical Insurance) Payment System—Contract to the Travelers Insurance Company—RRB.

* * * * *

This section is revised to read as follows:

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, health insurance claim number, address, telephone number, description of illness and treatment pertaining to claim, indication of other health insurance or medical assistance pertinent to claim, date(s) and place(s) of physician service, description of medical procedures, services or supplies furnished, nature of illness(es), medical charges, name, address and telephone of physician, Part B entitlement date, Part B deductible status, and amount of payment to beneficiary.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

* * * * *

Paragraph "b" and "h" are revised to read as follows:

* * * * *

b. Information regarding payments and deductibles may be released to the Department of Health and Human Services for uses in administering Title XVIII of the Social Security Act, as amended, and to establish, audit and maintain account and vouchering records.

* * * * *

h. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Retirement Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

Paragraphs "j" through "o" are added to read as follows:

* * * * *

j. Information may be furnished to the U.S. Postal Service and to State and local police authorities for investigation of the loss, theft, and/or forgery of Medicare checks.

k. Information may be furnished to the State licensing boards for review of unethical practices or nonprofessional conduct. When such information has been disclosed to a State licensing board, it may also be disclosed when requested to State agencies investigating such conduct under Titles V and XIX and to the CHAMPUS (Civilian Health and Medical Program of the Uniformed Services) organization and to CHAMPUS contractors that are not also Medicare contractors.

l. General guidelines dealing with length of stay, diagnosis and other criteria used in the claims process to establish the basis for payment may be disclosed to the requester. Information regarding physicians' prevailing or customary charges may be furnished.

m. The following general types of information may be disclosed to Title XIX agencies (to a state agency or to a carrier acting for a State agency charged with administration of a program under Title XIX): physician, other practitioner and supplier identification numbers, and charges of physicians or other practitioners or suppliers for services furnished to beneficiaries.

n. Information on such matters as entitlement, benefit payment, or benefit utilization relating to an individual may be disclosed to any State agency or to a carrier acting for a State agency charged with the administration of a program under Title XIX. (Note: Disclosure to State agencies administering other Federal grants-in-aid programs requires the authorization of the beneficiary or his/her legal representative.)

o. Relevant information may be disclosed to the Office of the President for responding to an individual pursuant to an inquiry from that individual or from a third party in his/her behalf.

* * * * *

RRB-4

SYSTEM NAME:

Microfiche of Estimated Annuity, Total Compensation and Residual Amount File—RRB.

* * * * *

This section is revised to read as follows:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Railroad employees who never filed an application for an annuity, have not been reported to be deceased and who either worked in the current reporting year or have at least 120 months of creditable service.

* * * * *

This section is revised to read as follows:

CATEGORIES OF RECORDS IN THE SYSTEM:

For employees with less than 120 months of service: SSN, name, date of birth, sex, cumulative service, cumulative tier 1 compensation, daily pay rate, employer number, gross residual, year last worked, number and pattern of months worked in year last worked, tier 1 compensation for year last worked, tier 2 compensation for year last worked. For railroad employees with 120 or more months of service: all of the above information plus estimated annuity data and SSA data.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Paragraph "g" is added to read as follows:

* * * * *

g. Relevant information may be furnished to the Office of the President for responding to an individual pursuant

to an inquiry from that individual or a third party in his/her behalf.

* * * * *

This section should be revised to read as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Director of Compensation and Certification, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

* * * * *

RRB-5

This section should be revised to read as follows:

SYSTEM NAME:

Master File of Creditable Service and Compensation of Railroad Employees—RRB.

* * * * *

This section should be revised to read as follows:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All individuals with creditable service and compensation under the Railroad Retirement and Railroad Unemployment Insurance Acts.

* * * * *

This section should be revised to read as follows:

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual name, social security number, claim number, date of birth, sex, race, last employer identification number, amount of daily payrate if under $100, ICC occupation code, and creditable service and compensation from 1937 to date.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Routine use "l" is revised to read as follows:

* * * * *

l. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system or records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Retirement Act or the Railroad Unemployment Insurance Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

New paragraph "p" is added to read as follows:

* * * * *

p. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

* * * * *

This section is revised to read as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Director of Compensation and Certification, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

* * * * *

RRB-6

SYSTEM NAME:

Unemployment Insurance Record File —RRB.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Paragraph "m" is revised to read as follows:

* * * * *

m. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Unemployment Insurance Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

Routine use "p" is added to read as follows:

* * * * *

p. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

* * * * *

RRB-7

SYSTEM NAME:

Applications for Unemployment Benefits and Placement Service under the Railroad Unemployment Insurance Act.

* * * * *

ROUTINE USES OF RECORDS IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Routine uses "d" and "p" are revised to read as follows:

* * * * *

d. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter, provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

p. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Unemployment Insurance Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

Paragraph "r" is added to read as follows:

* * * * *

r. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

* * * * *

RRB-8

SYSTEM NAME:

Railroad Retirement Tax Reconciliation System—RRB.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Routine use "d" is revised to read as follows:

* * * * *

d. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Retirement Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

This section is revised to read as follows:

RETENTION AND DISPOSAL:

Employer and employee representative quarterly tax returns and tax reporting reconciliation files are destroyed by shredding.

* * * * *

This section is revised to read as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Director of Fiscal Operations, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

* * * * *

RRB-9

SYSTEM NAME:

Protest and Appeals under the Railroad Unemployment Insurance Act—RRB.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Routine use "h" is revised to read as follows:

* * * * *

h. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Unemployment Insurance Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

Paragraph "j" is added to read as follows:

* * * * *

j. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

* * * * *

This section is revised to read as follows:

RETENTION AND DISPOSAL:

Decisions are retained for a period of 15 years and then destroyed by shredding.

* * * * *

This section is revised to read as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Director of Hearings and Appeals, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

* * * * *

RRB-10

SYSTEM NAME:

Legal Opinion Files.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

The system's only routine use is revised to read as follows: In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Retirement Act, the Railroad Unemployment Insurance Act, the Milwaukee Railroad Restructuring Act, the Rock Island Railroad Transition and Employee Assistance Act or that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

This section is revised to read as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Deputy General Counsel, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

* * * * *

RRB-11

SYSTEM NAME:

Files on Concluded Litigation.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

The system's only routine use is revised to read as follows: In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in

the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Retirement Act, the Railroad Unemployment Insurance Act, the Milwaukee Railroad Restructuring Act, or the Rock Island Railroad Transition and Employee Assistance Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

This section is revised to read as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Deputy General Counsel, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

* * * * *

RRB-12

SYSTEM NAME:

Railroad Employees' Registration File.

* * * * *

This section is revised to read as follows:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who had any employment for a railroad employer after 1936 and before 1981. (Use of the registration form was discontinued January 1, 1981.)

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

This section is revised to read as follows: Director of Compensation and Certification, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

* * * * *

RRB-13

SYSTEM NAME:

Disclosure of Information Files.

* * * * *

This setion is revised to read as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Deputy General Counsel, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

* * * * *

RRB-15

This section is revised to read as follows:

SYSTEM NAME:

Covered Abandoned Railroad Employers' Payroll Records—RRB.

* * * * *

This section is revised to read as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Director of Compensation and Certification, U.S. Railroad Retirement Board, 844, Rush Street, Chicago, Illinois 60611.

* * * * *

RRB-16

SYSTEM NAME:

Social Security Administration Summary Earnings File—RRB.

* * * * *

This section is revised as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Director of Compensation and Certification, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

* * * * *

RRB-17

SYSTEM NAME:

Appeal Decisions from Initial Denials for Benefits Under the provisions of the Railroad Retirement Act—RRB.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Routine use "e" is revised to read as follows:

* * * * *

e. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or paticular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Retirement Act or that disclosure would be clearly in the furtherance of interest of the subject individual.

* * * * *

Paragraph "g" is added to read as follows:

* * * * *

g. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

* * * * *

This section is revised to read as follows:

RETENTION AND DISPOSAL:

Decisions are retained for a period of 15 years and then destoryed by shredding.

* * * * *

RRB-20

System name:

Health Insurance and Supplementary Medical Insurance Enrollment and Premium Payment System (MEDICARE).

* * * * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * * * *

Paragraphs "d," "e," "j," "k," and "q" are revised to read as follows:

* * * * * * *

d. Data may be disclosed to the Department of Health and Human Services for reimbursement for work done under reimbursement provisions of Title XVIII of the Social Security Act, as amended.

e. Jurisdictional clearance, premium rates, coverage election, paid-through date, and amounts of payments in arrears may be released to the Social Security Administration and the Health Care Financing Administration to assist those agencies in administering Title XVIII of the Social Security Act, as amended.

* * * * * * *

j. Last address information may be disclosed to the Department of Health and Human Services in conjunction with the Parent Locator Service.

k. Beneficiary identification, entitlement data and rate information may be released to the Department of State and embassy and consular officials, to the American Institute on Taiwan, and to the Veterans Administration Regional Office, Philippines, to aid in the development of applications, supporting evidence and the continued eligibility of beneficiaries and potential beneficiaries living abroad.

* * * * * * *

q. In the event that this system of records, maintained by the Railroad

Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Retirement Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * * * *

New paragraphs "s," "t," and "u" are added to read as follows:

* * * * * * *

s. Information may be disclosed to the Department of the Treasury for the purpose of investigating alleged forgery or theft of Medicare reimbursement checks.

t. Information may be disclosed to the U.S. Postal Service for investigating alleged forgery or theft of Medicare checks.

u. Relevant information may be disclosed to the Office of the President for responding to an individual pursuant to an inquiry from that individual for a third party in his/her behalf.

* * * * * * *

RRB-21

SYSTEM NAME:

Railroad Unemployment and Sickness Insurance Benefit System—RRB.

* * * * * * *

Routine uses of records maintained in the system, including categories of users and the purposes of such uses:

* * * * * * *

Paragraphs "e," "s," and "w" are revised to read as follows:

* * * * * * *

e. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision in the matter, provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * * * *

s. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Retirement Act or the Railroad Unemployment Insurance Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * * * *

w. The amount of unemployment benefits paid, if $10 or more in a calendar year, and claimant identifying information, may be furnished to the Internal Revenue Service for tax administration purposes.

* * * * * * *

New paragraphs "z," "aa," and "bb" are added to read as follows:

* * * * * * *

z. The amount of each sickness benefit that is subject to a tier 1 railroad retirement tax and the amount of the tier 1 tax withheld may be disclosed to the claimant's last railroad employer to enable that employer to compute its tax liability under the Railroad Retirement Tax Act.

aa. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

bb. The amount of sickness benefits paid and claimant identifying information, except for sickness benefits paid for an on-the-job injury, may be furnished to the Internal Revenue Service for tax administration purposes.

* * * * *

Paragraph "m" is removed and reserved.

* * * * *

RRB-22

SYSTEM NAME:

Railroad Retirement, Survivor, and Pensioner Benefit System—RRB.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Routine uses "e" and "x" are revised to read as follows:

* * * * *

e. Benefit rates, names, and addresses may be released to the Department of the Treasury to control for reclamation and return of outstanding benefit payments, to issue benefit payments, act on reports of non-receipt, to insure delivery of payments to the correct addresses of the beneficiary or representative payee or to proper financial organization, and to investigate alleged forgery, theft or unlawful negotiation of railroad retirement or social security benefit checks or improper diversion of payments directed to a financial organization.

* * * * *

x. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Retirement Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

Paragraph "ii" and "jj" are added to read as follows:

* * * * *

ii. Relevant information may be disclosed to the Office of the President for responding to an individual pursuant to an inquiry from that individual or from a third party in his/her behalf.

jj. Last address and beneficiary identifying information may be furnished to railroad employers for the

purpose of mailing railroad passes to retired employees and their families.

* * * * *

Paragraph "n" is removed and reserved.

* * * * *

RRB-33

SYSTEM NAME:

Federal Employee Incentive Awards System.

* * * * *

This section is revised to read as follows:

RETENTION AND DISPOSAL:

Denied suggestions are purged and destroyed and shredding five year after denial date. Adopted suggestions are retained permanently as are all special achievement and quality increase recommendations.

* * * * *

RRB-34

SYSTEM NAME:

Employee Personnel Management Files—RRB.

* * * * *

This section is revised to read as follows:

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, address and phone number of the person to notify in case of emergency and personal physician; copies of (10 pay change slip, (2) bi-weekly statement of earnings and leave, (3) SF–52, Request for Personnel Action, (4) SF–50, Personnel Action, (5) service compensation date form, (6) written requests for leave, (7) performance ratings, (8) incentive awards program suggestions and awards, (9) other awards and nominations for recognition, (10) supervisory informal and formal written notes, memorandums, etc., relative to admonishment, caution, warnings, reprimand, or similar notices, (11) within-grade increase materials, (12) SF–171, Employment Application, (13) credit or debt materials; (14) letters of commendation, (15) official position descriptions, (16) probationary letters, (17) performance plans, (18) information concerning training received and seminars attended, and (19) miscellaneous correspondence.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

New Paragraph "f" is added to read as follows:

* * * * *

f. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

* * * * *

RRB-35

This section is revised to read as follows:

SYSTEM NAME:

Employee Skills File.

* * * * *

This section is revised to read as follows:

CATEGORIES OF RECORDS IN THE SYSTEM:

Board seniority date; performance rating and plan; merit pay performance appraisal rating; and an extract from the official personnel folder showing experience, education, special skills, and a synopsis of unsatisfactory or outstanding performance rating memoranda, denials of within-grade increases, letters of commendation, work-related awards, and disciplinary action memoranda and warning notices.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

New paragraph "e" is added to read as follows:

* * * * *

e. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

* * * * *

This section is revised to read as follows:

RETENTION AND DISPOSAL:

Retained until employee terminates employment with the Board or enters one of the positions exempted under "Categories of individuals" above. The material is updated as new information is received. Superseded materials are destroyed by shredding.

* * * * *

RRB-36

This section is revised to read as follows:

SYSTEM NAME:

Complaint, Grievance, Disciplinary and Adverse Action Files—RRB.

* * * * *

This section is revised to read as follows:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Railroad Retirement Board employees who are the subjects of disciplinary or adverse actions or who have filed a complaint or grievance.

* * * * *

This section is revised to read as follows:

CATEGORIES OF RECORDS IN THE SYSTEM:

Information relating to proposals and decisions in cases of discipline and adverse actions, including supporting documents; information relating to grievances filed under the agency and negotiated grievance procedures, including the grievance, final decision and any evidence submitted by the employee and/or the agency in support of or contesting the grievance.

* * * * *

This section is revised to read as follows:

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Title 5 U.S.C., Sections 4303, 7121, 7503, 7513, and P.L. 95–454.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

New paragraphs "c" and "d" are added to read as follows:

* * * * *

c. Records may be disclosed to the Merit Systems Protection Board or an arbitrator to adjudicate an appeal, complaint, or grievance.

d. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

* * * * *

This section is revised to read as follows:

STORAGE:

Paper.

* * * * *

This section is revised to read as follows:

SAFEGUARDS:

Maintained in locked file cabinets in an area not accessible to the public.

* * * * *

This section is revised to read as follows:

RETENTION AND DISPOSAL:

Maintained for four years; then destroyed by shredding.

* * * * *

This section is revised to read as follows:

RECORD SOURCE CATEGORIES:

The Railroad Retirement Board employee, the employee's supervisor, bureau or regional director, the executive director, or the employee's representative.

* * * * *

RRB-37

SYSTEMS NAME:

Medical Records on Railroad Retirement Board Employees—RRB.

* * * * *

This section is revised to read as follows:

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Board employees who utilize the Medical Service Section and any building employee involved in a medical emergency requiring medical treatment.

* * * * *

This section is revised to read as follows:

SYSTEM MANAGER(S) AND ADDRESS:

Medical Service Section Nurse, U.S. Railroad Retirement Board, 844 Rush Street, Chicago, Illinois 60611.

* * * * *

RRB-38

SYSTEM NAME:

Regional Rail Reorganization Act Reimbursement System—RRB.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Routine use "h" is revised to read as follows:

* * * * *

h. Information may be released to the Department of Justice and to courts of competent jurisdiction in response to properly issued subpoenas, provided that disclosure would be for a purpose related to enforcement of the Regional Rail Reorganization Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

New paragraph "j" is added to read as follows:

* * * * *

j. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

* * * * *

This section is revised to read as follows:

RETENTION AND DISPOSAL:

Upon receipt of authorization from the General Accounting Office to destroy records, magnetic tape will be written over and microform records will be shredded.

* * * * *

RRB-39

SYSTEM NAME:

Milwaukee Railroad Restructuring Act Benefit System—RRB.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES.

* * * * *

Routine uses "i," "n" and "o" are revised to read as follows:

* * * * *

i. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter, provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

n. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Milwaukee Railroad Restructuring Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

o. Information may be released to the Department of Justice and to courts of competent jurisdiction in response to properly issued supoenas, provided that disclosure would be for a purpose related to the enforcement of the Milwaukee Railroad Restructuring Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

New paragraphs "p" and "q" are added to read as follows:

* * * * *

p. The amount of supplementary unemployment insurance paid, if $10 or more in a calendar year, and claimant identifying information may be furnished to the Internal Revenue Service for tax administration purposes.

q. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

* * * * *

This section is revised to read as follows:

RETENTION AND DISPOSAL:

All records will be retained until January 1990, which is 5 years after the end of the benefit programs. Paper and microforms will be destroyed by shredding. Information on magnetic tapes and disks will be erased.

* * * * *

RRB-40

SYSTEM NAME:

Regional Rail Reorganization Act Title VII Benefit System—RRB.

* * * * *

This section is revised to read as follows:

CATEGORIES OF RECORDS IN THE SYSTEM:

Identifying information such as name, address, social security number, date of birth, occupational code and employer code; information pertaining to the payment or denial of a claim under Title VII of the Regional Rail Reorganization Act, last rate of pay, reason not working, application and claims filed, information as to the amount of separation allowance, subsistence allowance, health-welfare premiums, moving expenses, new career training assistance and dates paid, erroneous payment investigations and benefit recovery information; the amount of income taxes deducted and remitted to the Internal Revenue Service; for new career assistance, information as to schools attended, courses taken and proof of payment of expenses; for

moving expenses, if applicable, market value of residence and sale price of residence.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

* * * * *

Routine use "r" is added to read as follows:

* * * * *

r. Relevant information may be furnished the Office of the President for responding to an individual pursuant to an inquiry from that individual or third party in his/her behalf.

* * * * *

RRB–41

SYSTEM NAME:

Rock Island Railroad Transition and Employee Assistance Act Benefit System—RRB.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Routine uses "i" and "k" are revised to read as follows:

* * * * *

i. In the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Rock Island Railroad Transition and Employee Assistance Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

k. A record from this system of records may be disclosed to a Federal agency, in response to its request, in connection with the hiring or retention of an employee, the issuance of a security clearance, the reporting of an investigation of an employee, the letting of a contract, or the issuance of a license, grant, or other benefit by the requesting agency, to the extent that the information is relevant and necessary to the requesting agency's decision on the matter, provided that disclosure is clearly in the furtherance of the interest of the subject individual.

* * * * *

New paragraph "p" is added to read as follows:

* * * * *

p. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

* * * * *

RRB–42

SYSTEM NAME:

Uncollectible Benefit Overpayment Accounts.

* * * * *

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES

* * * * *

Routine use "c" is revised to read as follows:

* * * * *

c. For information related to uncollectible overpayments of benefits paid under section 701 of the Regional Rail Reorganization Act of 1973, in the event that this system of records, maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto; for information related to uncollectible overpayments of benefits paid under any other Act administered by the Railroad Retirement Board, in the event this system of records maintained by the Railroad Retirement Board to carry out its functions, indicates a violation or potential violation of law, whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program statute, or by regulation, rule or order issued pursuant thereto, the relevant records in the system of records may be referred, as a routine use, to the appropriate agency, whether federal, state, local or foreign, charged with the responsibility of investigating or prosecuting such violation or charged with enforcing or implementing the statute, rule, regulation or order issued pursuant thereto, provided that disclosure would be to an agency engaged in functions related to the Railroad Retirement Act, the Railroad Unemployment Insurance Act, the Rock Island Railroad Transition and Employee Assistance Act, or the Milwaukee Railroad Restructuring Act or provided that disclosure would be clearly in the furtherance of the interest of the subject individual.

* * * * *

New paragraph "f" is added to read as follows:

* * * * *

f. Relevant information may be furnished to the Office of the President for responding to an individual pursuant to an inquiry from that individual or a third party in his/her behalf.

[FR Doc. 86–2570 Filed 2–5–86; 8:45 am]

BILLING CODE 7905-01-M

DEPARTMENT OF TRANSPORTATION

Saint Lawrence Seaway Development Corporation

Advisory Board Meeting

Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. I) notice is hereby given of a meeting of the Advisory Board of the Saint Lawrence Seaway Development Corporation, to be held at 1:00 p.m., March 12, 1986, at the Corporation's Administration Headquarters, Room 5424, 400 Seventh Street SW., Washington, DC. The agenda for this meeting will be as follows: Opening Remarks, Consideration of Minutes of Past Meeting; Review of Programs; Business; Closing Remarks.

Attendance at meeting is open to the interested public but limited to the space available. With the approval of the Administrator, members of the public may present oral statements at the meeting. Persons wishing further information should contact not later than March 6, 1986, Joan C. Hall, Advisory Board Liaison, Saint Lawrence Seaway Development Corporation, 400 Seventh Street SW., Washington, DC 20590; 202/426–3574.

Any member of the public may present a written statement to the Advisory Board at any time.

Issued At Washington, DC, on February 3, 1986.

Joan C. Hall,

Advisory Board Liaison.

[FR Doc. 86-2651 Filed 2-5-86; 8:45 am]

BILLING CODE 4910-61-M

DEPARTMENT OF THE TREASURY

Public Information Collection Requirement Submitted to OMB for Review

Dated: January 17, 1986.

The Department of Treasury has submitted the following public information collection requirement to OMB for review and clearance under the Paperwork Reduction Act of 1980, Pub. L. 96-511. Copies of this submission may be obtained by calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Room 7221, 1201 Constitution Avenue, NW., Washington, D.C. 20220.

Internal Revenue Service

OMB Number: New
Form Number: IRS Form 2587
Type of Review: New
Title: Application for Special Examination
OMB Number: 1545-0056
Form Number: IRS Forms 1023 and 872-C
Type of Review: Revision
Title: Application for Exemption Under section 501(c)(3) of the IRC (1023). Consent Fixing Period of Limitation Upon Assessment of Tax Under section 4940 of the IRC (872-C)
OMB Number: 1545-0071
Form Number: IRS Form 2120
Type of Review: Extension
Title: Multiple Support Declaration
OMB Number: 1545-0118
Form Number: IRS Form 1099-PATR
Type of Review: Extension
Title: Statement for Recipients (Patrons) of Taxable Distributions Received from Cooperatives
Clearance Officer: Garrick Shear (202) 566-6150, Room 5571, 1111 Constitution Avenue, NW., Washington, DC 20224
OMB Reviewer: Robert Neal (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Bureau of the Public Debt

OMB Number: 1535-0023
Form Number: PD 4000
Type of Review: Reinstatement
Title: Request by Owner for Reissue of U.S. Savings Bonds/Notes to Add Beneficiary or Coowner, Eliminate Beneficiary or Decedent, Show Changes of Name, and/or Correct Error in Registration
Clearance Officer: Peter Laugesen (202) 376-4102, Bureau of the Public Debt, Room 445, 999 E. Street, NW., Washington, D.C. 20226
OMB Reviewer: Milo Sunderhauf (202) 395-6880, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, D.C. 20503

Joseph F. Maty,

Departmental Reports, Management Office.

[FR Doc. 86-2619 Filed 2-5-86; 8:45 am]

BILLING CODE 4810-25-M

Fiscal Service

[Dept. Circ. 570, 1985 Rev., Supp. No. 11]

Surety Companies Acceptable on Federal Bonds; Termination of Authority; Cotton States Mutual Insurance Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Cotton States Mutual Insurance Company, of Atlanta, Georgia, under the United States Code, Title 31, sections 9304-9308, to qualify as an acceptable surety on Federal bonds is terminated effective this date.

The Company was last listed as an acceptable surety on Federal bonds at 50 FR 27112, July 1, 1985.

With respect to any bonds currently in force with Cotton States Mutual Insurance Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, D.C. 20226, telephone (202) 634-2350.

Dated: January 22, 1986.

W.E. Douglas,

Commissioner, Financial Management Service.

[FR Doc. 86-2600 Filed 2-5-86; 8:45 am]

BILLING CODE 4810-35-M

[Dept. Circ. 570, 1985 Rev., Supp. No. 10]

Surety Companies Acceptable on Federal Bonds; Termination of Authority; Transport Indemnity Co.

Notice is hereby given that the Certificate of Authority issued by the Treasury to Transport Indemnity Company, of Los Angeles, California, under the United States Code, Title 31, sections 9304-9308, to qualify as an acceptable surety on Federal bonds is terminated effective this date.

The Company was last listed as an acceptable surety on Federal bonds at 50 FR 27132, July 1, 1985.

With respect to any bonds currently in force with Transport Indemnity Company, bond-approving officers for the Government may let such bonds run to expiration and need not secure new bonds. However, no new bonds should be accepted from the company. In addition, bonds that are continuous in nature should not be renewed.

Questions concerning this notice may be directed to the Department of the Treasury, Financial Management Service, Finance Division, Surety Bond Branch, Washington, DC 20226, telephone (202) 634-2347.

Dated: January 22, 1986.

W.E. Douglas,

Commissioner, Financial Management Service.

[Fr. Doc. 86-2601 Filed 2-5-86; 8:45 am]

BILLING CODE 4810-35-M

UNITED STATES INFORMATION AGENCY

Reporting and Information Collection Requirement Under OMB Review

AGENCY: United States Information Agency.

SUMMARY: Under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35) agencies are required to submit proposed or established reporting and recordkeeping requirements to OMB for review and approval and to publish a notice in the Federal Register notifying the public that such a submission has been made. USIA is requesting approval of an information collection which requires organizations or individuals interested in promoting German-American contacts to complete a form to be used by USIA's German-American Contacts Staff in preparing a directory of such organizations.

DATE: Comments must be received by February 18, 1986. If you intend to comment but cannot prepare comments before the deadline, please advise the OMB Reviewer and the Agency Clearance Officer promptly.

Copies: Copies of the request for clearance (SF-83), supporting statement, instructions, transmittal letter and other documents submitted to OMB for review may be obtained from USIA Clearance

Officer. Comments on the item listed should be submitted to the Office of Information and Regulatory Affairs of OMB, Attention Desk Officer for USIA.

FOR FURTHER INFORMATION CONTACT: Agency Clearance Officer, Charles N. Canestro, United States Information Agency, M/M, 301 Fourth Street SW., Washington, D.C. 20547, telephone (202) 485–8676. And OMB review: Bruce McConnell, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Washington, D.C. 20503, telephone (202) 395–3785.

SUPPLEMENTARY INFORMATION: Title: "German-American Directory". USIA has created a German-American Contacts Staff to encourage and disseminate information on educational, cultural, professional and social contacts and exchanges between the United States and the Federal Republic of Germany. In pursuit of this goal, USIA will create a directory of German-American organizations which can be used to simplify establishing contacts between such groups and save a considerable amount of research and staff time for those interested in making such contacts.

Dated: January 22, 1985.

Charles N. Canestro,

Federal Register Liaison.

[FR Doc. 86–2579 Filed 2–5–86; 8:45 am]

BILLING CODE 8230–01–M

VETERANS ADMINISTRATION

Special Medical Advisory Group; Meeting

The Veterans Administration gives notice under Pub. L. 92–463 that a meeting of the Special Medical Advisory Group will be held on February 20 and 21, 1986. The session on February 20 will be held at the Sheraton Carlton Hotel, 923 Sixteenth Street, NW, Washington, DC 20006, and the session on February 21 will be held in the Administrator's Conference Room at the Veterans Administration Central Office, 810 Vermont Avenue, NW, Washington, DC 20420. The purpose of the Special Medical Advisory Group is to advise the Administrator and Chief Medical Director relative to the care and treatment of disabled veterans, and other matters pertinent to the Veterans Administration's Department of Medicine and Surgery.

The session on February 20 will convene at 6 p.m. and the session on February 21 will convene at 8 a.m. All sessions will be open to the public up to the seating capacity of the rooms. Because this capacity is limited, it will be necessary for those wishing to attend to contact Kathy Eller, Secretary, Office of the Chief Medical Director, Veterans Administration Central Office (phone 202/389–5156) prior to February 18, 1986.

Dated: January 29, 1986.

By direction of the Administrator.

Rosa Maria Fontanez,

Committee Management Officer.

[FR Doc. 86–2636 Filed 2–5–86; 8:45 am]

BILLING CODE 8320–01–M

Sunshine Act Meetings

Federal Register
Vol. 51, No. 25
Thursday, February 6, 1986

This section of the FEDERAL REGISTER contains notices of meetings published under the "Government in the Sunshine Act" (Pub. L. 94-409) 5 U.S.C. 552b(e)(3).

1

FEDERAL DEPOSIT INSURANCE CORPORATION

Agency Meeting

Pursuant to the provisions of the "Government in the Sunshine Act" (5 U.S.C. 552b), notice is hereby given that at 4:35 p.m. on Friday, January 31, 1986, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session, by telephone conference call, to consider recommendations regarding the initiation of administrative enforcement proceedings against an insured bank and against persons participating in the conduct of the affairs of the bank: names of persons and name and location of bank authorized to be exempt from disclosure pursuant to the provisions of subsections (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552(c)(6), (c)(8), and (c)(9)(A)(ii)).

At the same meeting, the Board also considered a request for financial assistance pursuant to section 13(c) of the Federal Deposit Insurance Act.

In calling the meeting, the Board determined, on motion of Chairman L. William Seidman, seconded by Director Irvine H. Sprague (Appointive), concurred in by Mr. Michael Patriarca, acting in the place and stead of Director Robert L. Clarke (Comptroller of the Currency), that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no earlier notice of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting pursuant to subsections (c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii) of the "Government in the Sunshine Act" (5 U.S.C. 552d(c)(4), (c)(6), (c)(8), and (c)(9)(A)(ii)).

Dated: February 3, 1986.

Federal Deposit Insurance Corporation.

Hoyle L. Robinson,

Executive Secretary.

[FR Doc. 86-2745 Filed 2-4-86; 3:14 pm]

BILLING CODE 6714-01-M

federal register

Thursday
February 6, 1986

Part II

Department of Labor

Mine Safety and Health Administration

30 CFR Parts 7 and 18

Underground Mining Equipment; Product Testing by Applicant or Third Party; Proposed Rule

DEPARTMENT OF LABOR

Mine Safety and Health Administration

30 CFR Parts 7 and 18

Underground Mining Equipment; Product Testing by Applicant or Third Party

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Proposed rule.

SUMMARY: This proposed rule would implement new procedures and requirements for testing and certification of certain products used in underground mines prior to MSHA approval, shifting the emphasis of the Agency from product testing to post-approval oversight of product quality. The proposal contains new technical requirements for brattice cloth and ventilation tubing, and revised requirements for battery assemblies currently contained in § 18.44 and § 18.63 of this title. It is anticipated that the proposed procedure, if adopted, would reduce the demand on the Agency's product testing and evaluation resources and improve the efficiency of the approval process.

DATES: Comments must be received on or before April 7, 1986. The removal of § 18.63 is proposed to be effective one year after the effective date of § 7.41.

ADDRESSES: Send comments to the Office of Standards, Regulations and Variances, MSHA; Room 631, Ballston Tower No. 3, 4015 Wilson Boulevard; Arlington, Virginia 22203.

FOR FURTHER INFORMATION CONTACT: Patricia W. Silvey, Director, Office of Standards, Regulations and Variances, MSHA, (703) 235–1910.

SUPPLEMENTARY INFORMATION:

I. Background

Under the Federal Mine Safety and Health Act of 1977 (Pub. L. 91–173, as amended by Pub. L. 95–164) (Mine Act), the Mine Safety and Health Administration (MSHA) is required to approve certain products for use in underground mines. This approval indicates that MSHA's specifications and tests, designed to ensure that a product will not present a fire, explosion, or other specific safety hazard related to use, have been met.

On March 4, 1983, MSHA published an Advance Notice of Proposed Rulemaking (ANPRM) in the **Federal Register** (48 FR 9475) announcing the availability of a preproposal draft of a new Part 37 of Title 30 of the Code of Federal Regulations (CFR). The draft provided for an alternate and expedited application procedure for the approval of certain products and invited public comment. Technical requirements and test procedures were to be addressed in appendices to Part 37. A draft of an appendix to the preproposal draft was made available so that commenters could see the relationship of an appendix to the draft rule.

On March 18, 1983, MSHA published a notice of two public meetings (48 FR 11665) which were held in April 1983 to present detailed information regarding the Agency's approval program. MSHA received comments on the preproposal draft from equipment manufacturers, trade associations, testing organizations, mine operators, representatives of miners, and the U.S. Bureau of Mines. After reviewing these comments and suggestions, MSHA has developed this proposed rule which would require testing of products by applicants or third parties prior to receiving MSHA approval. The proposal would be codified as Part 7 of Title 30. Technical requirements for specific products would be set forth in subparts of Part 7.

MSHA's existing regulations in 30 CFR Parts 15 through 36 govern the process through which manufacturers may obtain MSHA approval, certification, acceptance or evaluation of certain products for use underground. Each of these separate parts contains application procedures and technical requirements for certain types of products. MSHA currently conducts most of the testing and evaluation of a product for a fee paid by the applicant, although some parts require pretesting of the product by the manufacturer. Upon MSHA approval, manufacturers must ensure that the product continues to conform to the specifications and design evaluated and approved by MSHA. In some instances, as part of the approval process, manufacturers are required to have a quality control plan. In addition, some parts provide for product and manufacturing site audits.

Currently, when MSHA receives an application for approval of a product for use in underground mines, every aspect of the documentation package submitted by the manufacturer is scrutinized to determine that the technical requirements of the applicable provisions of 30 CFR Parts 15 through 36 are met. Each drawing and specification in the package is cross-checked against these requirements, and, for some products, samples of the product or parts of the product are disassembled and examined by MSHA for conformity with the drawings and specifications. When MSHA verifies that an applicant's product complies with the design and construction requirements, MSHA then tests the product to determine whether it performs according to the appropriate approval requirements, unless the design precludes the need for testing. If the product passes the tests, MSHA issues an approval for the product.

Once MSHA has approved a product, the manufacturer is authorized to place an approval marketing on the product that identifies it as approved for use in underground mines. Use of the MSHA marking obligates the manufacturer to maintain the quality of the product. In addition, the MSHA marking indicates to the mining community that the product has been manufactured according to the drawings and specifications upon which the approval was based. Any proposed change to the documentation for a product approved by MSHA must be submitted for consideration prior to implementation of the change. If MSHA approves the change, MSHA then issues the manufacturer an extension of approval or a notice of acceptance of the modified product.

II. Discussion and Summary of the Proposed Rule

This proposal would initiate a new role for the Agency in the evaluation and testing of products used in underground mines. Where the Agency's current role is one which emphasizes pre-marketing testing by MSHA, this proposal would require testing by the applicant or a third party according to test procedures specified by the Agency, and require certification of test results by the applicant. While the Agency would maintain approval authority prior to marketing, the approval would be based largely on the applicant's certification that the product has met MSHA-specified technical requirements, has been tested according to the test procedures, and that the applicant will perform the specified quality assurance functions to maintain the continued quality of the product. Based on these certifications, MSHA's observance of product testing, and a review of the applicant's documentation, the Agency would issue the approval allowing the applicant to market the product as "MSHA-approved." The emphasis of the program would then be placed on the applicant's production of units under a quality assurance program and the Agency's audits of products to ensure that they have been manufactured as approved. The Agency believes that this shift in emphasis would expedite the approval of applications and give the mining community greater assurance that the products used in mines have

been manufactured according to MSHA specifications.

The preproposal draft provided that MSHA test procedures and technical requirements would be specified in appendices which would be issued as Agency publications, but not regulations. Many commenters objected and stated that the technical requirements found in Parts 15–36 should be reviewed and updated through the rulemaking process to produce requirements based on more performance-oriented provisions. Such revisions, the commenters said, would allow for technological advances and thereby increase safety of miners.

MSHA agrees that the existing technical requirements for product approval need to be updated and revised. MSHA has begun a review of the existing technical requirements for revision and has made available for comment preproposal drafts of revisions to the regulations for approval of explosives and blasting units. Proposed rules will be published shortly.

This proposed rule includes in Subparts B and C revisions to the technical requirements for battery assemblies, currently approved under 30 CFR Part 18, as well as new technical requirements for the approval of brattice cloth and ventilation tubing. While the Agency currently tests brattice cloth and ventilation tubing for flame resistance, no approval regulations exist and only letters of acceptance, not approval, have been issued by the Agency. The acceptance indicates that the brattice cloth or ventilation tubing meets the flammability requirements of 30 CFR Part 75.302–3 and may, therefore, be used in an underground coal mine. MSHA requests comments on whether or not these proposed technical requirements are appropriate to assure that the products may be used safely in underground mines. MSHA further requests comments on the test procedures proposed to determine whether the product meets the technical requirements, and whether other test procedures may be more appropriate or cost-effective.

It is MSHA's intention to propose additional subparts to Part 7 which would specify the technical requirements for the full range of products which are suitable for testing by the applicant or third party. At this time, MSHA believes that designs of most products could be tested in this manner. MSHA anticipates that subparts will be developed for all products listed in Table I.

TABLE I

CFR Part	Product
18	Battery-powered intrinsically safe devices.
18	Hose conduit.
18	Electrical motors.
18	Electrical mining machines.
18	Asbestos substitute packing.
18	Explosion-proof enclosures (excluding connectors and luminaires).
18	Flame resistance testing.
18	Intrinsically safe circuits.
19	Electric cap lamps.
20	Electric mine lamps.
21	Flame safety lamps.
22	Portable methane detectors.
23	Telephones and signaling devices.
24	Single-shot blasting units.
25	Multiple-shot blasting units.
26	Lighting equipment.
27	Methane monitoring systems.
28	Fuses (for use in direct current in providing short-circuit protection for trailing cables).
29	Portable coal dust/rock dust analyzers.
31	Diesel mine locomotives.
32	Diesel engines (for non-gassy noncoal mines).
33	Dust collectors.
35	Fire-resistant hydraulic fluids.
36	Diesel engines (for gassy noncoal mines).
75	Ground check monitors.
75	Lighting systems (statement of tests and evaluation).

MSHA realizes that some applicants may need a phase-in period to prepare for the testing responsibility, while others may want to begin their own testing immediately. To accommodate both situations, MSHA is proposing that the existing approval procedures remain in effect for a phase-in period and that applicants be allowed to elect to submit an approval application under the existing procedures or under this new procedure. The phase-in period would be product specific based on MSHA's assessment of the amount of time needed to prepare for testing. MSHA believes that one year is appropriate for brattice cloth and ventilation tubing and battery assemblies. Phase-in periods will be considered for additional subparts as they are proposed. In order to avoid confusion during the phase-in period, MSHA proposes that extensions of approval only be granted under the part in which the original approval was granted.

III. Discussion of Each Subpart

Subpart A—General Provisions

The following section-by-section analysis discusses Subpart A of the proposed rule and addresses the comments received on the preproposal draft.

Section 7.1 Purpose and Scope

As discussed above, the purpose of proposed Part 7 is to set out the application procedures and requirements for MSHA approval of certain products with testing to be conducted by the applicant or a third party. The general requirements for the approval process would be set out in Subpart A and the technical requirements for the design and performance of products would be set out in additional subparts. As MSHA develops the technical requirements for additional products, new subparts of Part 7 would be proposed. For those products for which technical requirements are finalized in subparts of Part 7, approvals would be granted only under Part 7 after a specified phase-in period. After the phase-in period, the existing approval regulations would be revoked if all designs of a particular product are covered by a subpart. If only some designs are covered, the existing regulation would be revised to indicate which ones could be approved only under Part 7.

Section 7.2 Definitions

The following definitions concerning product approval are proposed for Part 7.

"Applicant". The draft proposal defined an applicant, in part, as one that "designs, manufactures, or assembles the product, and controls the assembly of the product." One commenter stated that this draft wording could preclude, for example, a machine manufacturer from submitting for approval a component manufactured by a third party. Approval of a product obligates the applicant to maintain the continuing quality and performance of the product. MSHA believes that an applicant can meet this obligation by either manufacturing or controlling the assembly of the product. Therefore, the proposed rule would revise the definition to reflect this view and would allow for approval of a component manufactured by a third party as long as the applicant maintains control over the product assembly.

"Approval". This term is used to describe a written document issued by MSHA which states that a product has met the requirements of Part 7 and which authorizes the use of an MSHA approval marking. The proposed definition is based on existing definitions of "approval" in 30 CFR Parts 15 through 36. It has been expanded to include "certification," "acceptance," and "evaluation" because these terms are also used to denote MSHA approval.

"Authorized company official". This term means the applicant or a representative of the applicant who has authority to bind the applicant. The term is used in the proposed requirements for the certification statements which are to be signed by an "authorized company official."

"Critical characteristic". Used in the proposed requirements for quality assurance, this term is used in reference to those features of a product which could seriously affect the safety or performance of the product.

"Extension of approval". This term is used to describe a written document issued by MSHA which states that the change to a previously approved product meets the requirements of Part 7. It is based on the existing definitions of the term in 30 CFR Parts 15 through 36. The proposed rule would change the draft definition to more clearly indicate that the term would apply to changes to a product previously approved by MSHA.

"Post-approval product audit". In the preproposal draft, this term was used to describe MSHA's examination and testing of approved products to determine whether the products meet the technical requirements and have been manufactured as approved. MSHA proposes to revise the draft definition to allow the Agency, based on the nature of the product involved, to conduct either an examination or test, or both, of the product approved under this Part.

"Technical requirements". In the preproposal draft, this term was used to describe the design characteristics and features, and construction and test requirements for a product. The technical requirements were to be specified in appendices to the rule. Commenters stated that the technical requirements should be more performance—rather than design-oriented when possible. In response, MSHA proposes to revise the draft definition to mean "the design and performance requirements for a product" which would be specified in subparts of the rule.

"Test procedures".This term is used to describe the method applicants would be required to follow in testing a product under Part 7 and would be specified in subparts of this Part.

The preproposal draft of Part 37 also included definitions of the term "appendix" and "manufacturing site survey." These definitions have been deleted from proposed Part 7 since they are not used in the proposed rule.

Section 7.3 Application Procedures and Requirements.

Section 7.3 sets out the procedures and general requirements an applicant would be required to follow to request MSHA approval of a product under this Part. The documentation that would be required for different products is specified in the proposed subparts.

In a separate rulemaking, MSHA is proposing a new Part 5, Fees for Testing, Evaluation, and Approval of Mining Products. That proposal would update the existing system for charging fees and set forth the basis on which MSHA would compute fees for all approval-related services for which MSHA bears a cost, including application processing, testing, and the issuance of approvals and extensions of approval. It would provide that MSHA publish a fee schedule in the **Federal Register** on an annual basis to reflect an increase or decrease in costs associated with approval. In accordance with that proposal, fees for MSHA processing of an application under Part 7 would be subject to an hourly charge. Applicants would be billed for the fee after processing of the application is completed. After the Agency has sufficient data at the hourly rate, it would be converted to a flat fee payable with the application. The hourly rate or flat fee used by MSHA would be published annually in the **Federal Register**.

The preproposal draft would have required applicants to submit supporting documentation including, among other things, "drawings, specifications, and a drawing list." Many commenters recommended that applicants be permitted to submit composite drawings when applying for approval under this Part. Applications for approval of a product must contain sufficient information for MSHA to determine whether the product complies with the technical requirements as specified in the appropriate subpart. MSHA believes composite drawings can adequately provide the information needed for product approval and intends to specify the use of composite drawings where possible in the product subparts.

The proposal would reorganize the application procedures to separate out the three kinds of approval actions an applicant may request under Part 7—requests for: (1) Original approval, (2) subsequent approval of a similar product and (3) extension of approval. Subpart A would generally identify the information required to request each of these actions with more specific information on the documentation specified in the appropriate subparts.

In requesting an original approval, i.e., the first time an applicant seeks approval for a particular product, MSHA would require the submission of all information necessary to evaluate all facets of the design and construction of the product as they relate to the approval requirements. If, after receipt of an original approval, the applicant requests subsequent approval of a similar product or an extension of approval for the original product, the applicant would not be required to submit documentation duplicative of previously submitted information. Only information relative to changes in the previously approved product would be required, avoiding unnecessary paperwork.

Applicants would also be required to indicate whether changes in a previously approved product require testing. If tests will not be conducted, the applicant would be required to explain the technical reasons for not testing. MSHA realizes that some changes to a product would be of a nature that would not require testing. For instance, a packing gland assembly, lens assembly, or shaft assembly already approved for one product may not require testing when used in another product. Similarly, a change in the value of a resistor in a product may not require retesting of the product. Under the proposal, however, MSHA would evaluate the need for retesting in each case taking into account the applicant's explanation for not testing. MSHA's decision would be based on its evaluation of the effect of a proposed change on the safe performance of the product.

Some commenters stated that MSHA should allow crossover between the proposed regulation and the regulations contained in Parts 15–36. In that way, extensions of approval could be granted under the new procedure even if the original approval had been granted under existing regulations. However, MSHA is proposing revised technical requirements for some products currently approved. Because these technical requirements may differ from and replace existing ones in some respects, MSHA believes it necessary to limit crossover between parts. However, the Agency realizes that manufacturers holding approvals at the time of a final rule for Part 7 may be in the process of making a modification to their already-approved product. Rather than require that these manufacturers submit the product for a new approval under Part 7, MSHA proposes to allow for extensions of approval under existing regulations for a specified time. This time would vary with the product and would be based on such factors as the number of existing approvals, the history of requests for extensions, the resources required for MSHA testing of modifications, and the time needed by applicants to arrange for their own testing. At the expiration of the phase-in period, all applications for extensions of approval would be treated as new applications and applicants would be

required to apply for an original approval under Part 7.

As part of an approval application, proposed § 7.3(f) would require the applicant to certify that the requirements in the appropriate subpart have been met and that the quality assurance functions required by proposed § 7.5 will be performed. In the case of subsequent approvals or extensions of approval, applicants would be required to certify that the proposed changes indicated in the application are the only changes being made. Once testing has been completed, the applicant would also be required to certify that the product has been tested in accordance with the specified test procedures, and that the product meets the performance requirements. As supporting evidence for the certification statement, § 7.4(a) would require the applicant to maintain records of test results for three years. In addition, the proposal would require that all certification statements be signed by an authorized company official.

Under the preproposal draft, the applicant also would have been required to describe the test procedures used during testing. In response to commenters, MSHA has not proposed that the applicant describe the test procedures since the applicant would be required to test according to the procedures specified in the appropriate subpart.

Section 7.4 Product Testing.

The proposal would reorganize and consolidate various testing provisions of the preproposal draft into one section. As in the preproposal draft, MSHA would not be required to conduct the testing of each product to determine whether it performs according to the appropriate technical requirements. Instead, the necessary testing would be performed either by the applicant or by a third party selected by the applicant. Testing would be conducted according to test procedures specified in the appropriate subpart. MSHA could elect to observe product testing as a prerequisite of approval.

Many commenters favored the preproposal draft's provisions regarding testing. They stated that by having the applicant or a third party conduct testing, MSHA would be able to devote more resources to reviewing and evaluating the documentation submitted as part of approval applications. As a result, the efficiency of the approval process would be improved.

Other commenters, however, objected to applicant or third-party testing, stating that testing was a function more appropriately performed by a Federal agency. In addition, one commenter suggested that allowing applicants or third parties to test products would be improper under the Mine Act because the statute provides for MSHA approval of products to be used in underground mines. With the proposed rule, MSHA would retain the responsibility to approve or deny approval of products. Only the testing would be performed outside the Agency. MSHA would continue to review and evaluate each application and supporting documentation upon submission. The Agency would also observe, as necessary, any product testing conducted by the applicant or a third party.

When MSHA elects to observe product testing, many commenters stated that the Agency should be obligated to accept the applicant's tentative date and time. For the convenience of all involved, MSHA would attempt to meet the times and dates proposed by applicants for product testing and does not anticipate that schedule changes would be routinely needed. However, because MSHA considers the opportunity to observe product testing to be an important part of the approval process, the proposed rule would require that applicants permit an MSHA official to be present for testing at a mutually agreeable date, time, and place. MSHA also realizes that some applicants may test their products prior to submitting their approval application. In this case, they may submit the certification of testing with the application. However, MSHA may still elect to observe product testing and, if this occurs, the applicant may be required to arrange for testing with an MSHA observer.

Under the proposal, if MSHA elects to observe product testing, the applicant would be required to arrange any necessary clearances, especially when testing is to be conducted by someone other than the applicant. At the test site, MSHA may require the applicant to partially or completely disassemble the product for visual or physical inspection to ascertain that the product being tested comports with the documentation submitted with the application.

If MSHA elects not to observe product testing, the applicant would be so notified. The applicant could then proceed to perform the necessary testing and, upon completion, certify to MSHA that the product had been tested as specified in the appropriate subpart.

Because MSHA will not observe all product testing, applicants would be required to maintain records of test results and procedures. These records would assist MSHA in determining the cause of any problems which may be detected during post-approval product audit. Applicants would be required to maintain the records for three years after completion of testing. MSHA expects that within this time it would be able to audit the approved product for which the tests apply.

In the preproposal draft, the procedures to be used in testing products would have been specified in appendices which would not have been subject to rulemaking. Commenters generally objected that the appendices would not be subject to notice and comment, stating that they desired input into the technical requirements and test procedures which they would be required to follow for product approval. In response to these comments, MSHA proposes to specify the test procedures to be used by applicants in the same subpart which prescribes the technical requirements a particular product type must meet for approval. Specifying the test procedures in the proposed rule itself makes them subject to the rulemaking process and allows comments by interested parties on the test procedures proposed.

In specifying the procedures to be used in product testing, the proposed rule would allow flexibility where possible in performing the required tests. For example, to determine the impact resistance of battery assembly covers constructed of material other than M1020 steel, MSHA would drop a 50-pound weight from a distance of 4 feet, whereas proposed Subpart C would allow the application of a 200-foot pound force. Where the proposed test procedures permit flexibility, MSHA intends to make available to interested parties those test procedures the Agency would use in conducting product audits.

Section 7.5 Quality Assurance

As part of each product approval application, the preproposal draft would have required applicants to submit a detailed quality control plan for acceptance by MSHA. It also would have required that qualtiy control inspection and testing instructions be submitted for MSHA acceptance. MSHA would have reviewed and accepted the plan and the instructions prior to their implementation, and any changes to them would also have been subject to MSHA acceptance. Many commenters objected to these draft provisions, stating that their quality control plans contain proprietary information, that such a requirement would be unnecessarily burdensome, and that submitting changes in the plans for

MSHA acceptance would delay implementing needed changes.

MSHA continues to believe that there is a need for quality in the production of approved products. For this reason, proposed § 7.5 retains a basic requirement for a quality assurance program for approved products. The proposal focuses, however, on the operation of the applicant's program and deletes the draft provision regarding MSHA acceptance. Under the proposal, the applicant would be required to perform certain quality assurance functions and to certify that this will be done.

The required quality assurance program would include inspecting and testing the critical characteristics of the particular product. At this stage in the rulemaking process, MSHA considers the inspection and testing function to be an essential element of an effective quality assurance program. Therefore, MSHA would identify in the subparts the critical characteristics which the applicant's quality control inspector would be required to inspect or test to determine whether specified tolerances are maintained and to see that components not meeting these tolerances are not used in approved products.

By their very nature, critical characteristics could seriously affect the safety or performance of a product. Therefore, under the proposal, some characteristics would be required to be inspected or tested on each product containing the MSHA approval marking. However, for certain other characteristics of a product or for certain types of products, lot or batch sampling would provide the necessary safety protection. In the appropriate subpart, MSHA would designate the critical characteristics to be inspected or tested. In addition, the subpart would indicate whether each unit would need to be inspected or tested, or whether lot or batch sampling would be acceptable.

Because the quality control provisions of the proposal would focus on the inspection and testing of critical characteristics, the proposal would also require that instruments used in inspecting and testing be properly calibrated. The minimum frequency of calibration required would be that recommended by the instrument manufacturer and would have to be traceable to a nationally recognized standard. The most frequently used calibration standards are those set by the National Bureau of Standards, U.S. Department of Commerce, but the proposal would permit the use of other standards.

Two other important aspects of a quality assurance program for approved products concern the approval documentation. Under the proposal, applicants would be required to control all drawings and specifications so that only the approved ones are used during production and inspection, and any changes affecting the technical requirements for products could not be made without prior MSHA approval. These precautions would provide protection against the distribution of products not conforming with the documentation upon which the approval was based.

While MSHA believes that adherence to the proposed requirements for quality assurance would provide substantial protection against the distribution of defective products, MSHA recognizes that this could occur. Therefore, proposed § 7.5(d) would require the approval-holder to report to the Agency any knowledge of a product that has been distributed with critical characteristics not meeting required specifications. This knowledge could come from the results of internal audits, reports from users, or other sources. Upon receiving such a report, MSHA would work with the approval-holder to implement appropriate corrective action.

The preproposal draft provided that MSHA could conduct manufacturing site surveys before and after issuance of an approval to determine whether or not the applicant was complying with the accepted quality control program. Some commenters objected to this draft provision, stating that such surveys were unnecessary and that the practices in an applicant's manufacturing facilities were not a legitimate area of MSHA concern. At this stage in the rulemaking process, MSHA believes that the proposed emphasis on product auditing by the Agency, which is discussed under proposed § 7.8, would provide the necessary assurance that approved products are in compliance with the technical requirements, and uncover problems in the quality assurance program which were not detected by the approval-holder. In addition, MSHA agrees that the manufacturing process is the responsibility of the approval-holder. For these reasons, the draft provision for manufacturing site surveys is not retained in the proposal.

Section 7.6 Issuance of Approval

Under the proposal, § 7.6 provides that MSHA would issue an approval or notice denying approval after all documentation submitted has been evaluated by MSHA. The approval or denial would be in writing, and would follow a review of the applicant's product testing, if testing were required. An applicant would not be allowed to represent the product as approved until MSHA had issued an approval.

When issuing an approval under proposed Part 7, MSHA would identify all documents upon which the approval is based such as drawings, specifications and related materials covering the details of design of the product. Applicants would be required to retain these documents, and adherence to them would be a condition of continued MSHA approval.

Section 7.7 Approval Marking and Distribution Record

Under the proposal, each approved product would be required to have an approval marking. The marking would identify the product as approved for use in underground mines. The type and location of marking for products would be specified in the subpart for the particular product being approved.

Because the MSHA approval marking indicates to the user that the product meets the specified technical requirements, any units of a product not in compliance with these requirements may need to be recalled or retrofitted. For this reason, the proposal would require applicants to maintain records on the distribution of each unit with an approval marking so deficient units can be traced and appropriate corrective action taken. At this time, the proposal does not specify a set number of years for retention of these records. Instead, MSHA proposes that records on the distribution of approved units be maintained for the projected service life of the product as determined by the applicant. This approach would recognize that product life varies depending on the type of product involved and, within product types, on the materials used. For example, the projected service life for a continuous mining machine would be significantly longer than for a consumable item such as hydraulic fluid. Similarly, the product life of a battery assembly with a metallic cover may be different than one with a nonmetallic cover. Since units in service may need to be traced for corrective action, it is necessary to have records of the units as long as they are in use.

MSHA is also considering the need for specifying a set time for maintaining distribution records on a product-by-product basis. The Agency solicits comments on this issue and requests information as to what the projected service life would be for brattice cloth and ventilation tubing and battery assemblies.

Section 7.8 Post-Approval Product Audits

MSHA believes that the approval process should be an ongoing one. While the use of quality assurance during the manufacturing process would help assure the mining community that a product meets the approval requirements, MSHA believes there is also a need for independent evaluation of approved products on a random basis. For this reason, the proposal provides for post-approval audits of products receiving approval. In this way, the Agency would compare manufacturing products with the applicable technical requirements.

The preproposal draft would have required that MSHA acquire a product, at the approval-holder's expense, through any of a variety of methods, to compare it to the drawings and specifications approved by MSHA and to test it in accordance with the test procedures specified in the applicable appendix. If the product failed to meet any of the technical requirements, appropriate action would be taken to require corrections.

Many commenters requested clarification of how the approval holder would make a product available to MSHA in order to be sure that it has not been altered after production. MSHA recognizes that dealers and consumers could alter a product after production and that the manufacturer has no control over this. For this reason, the proposed rule would require the approval-holder, upon MSHA's request, to make approved products available for audit at a mutually agreeable site and time. MSHA anticipates that most audits would be conducted at the warehouse, manufacturing, or assembly site. In that way, MSHA could select a product, screen it to determine the need for further audit, and return it to the approval-holder. If further audit were considered necessary, or if an on-site audit were not practical, the approval-holder would be required to release the product to MSHA for further examination and testing at MSHA facilities. The product would be returned to the approval-holder unless destructive testing has been conducted, as, for example, in the testing of a batch of hydraulic fluid.

All products audited by MSHA would be selected by the Agency so that they are representative of those distributed for use in mines. If an audit demonstrated that the product failed to comply with the technical requirements, MSHA would take immediate action to address the problem and revoke the approval, if necessary. The proposed rule would require that approval-holders, upon request by the Agency, make products available at no cost to MSHA not more than once a year, except for cause. Based on MSHA's experience, the Agency anticipates few instances in which more than one product would be required in any one year. There are several events which may demonstrate to MSHA that a product does not meet the technical requirements. For example, MSHA may have verified complaints about the safe functioning of a product, have evidence of unapproved design changes in the product, need to retest a product with which an audit test indicated a problem, or need to verify that corrective action required by MSHA has been taken. Because the use of the approval marking obligates the approval-holder to produce the product according to the approved drawings and specifications, MSHA believes that, when there is cause, the approval-holder should provide additional products.

Some commenters on the preproposal draft suggested that MSHA rely solely on post-approval product audits, in lieu of a quality control program, to verify that products have been manufactured in accordance with the documentation upon which the approval was based. At this point in the rulemaking process, MSHA believes that post-approval product audits alone cannot do this. The Agency believes that equal emphasis should be placed on the prevention of defective products entering the market, not solely on the discovery of defects after distribution. The proposed requirements for quality assurance are designed to accomplish this goal.

Section 7.9 Revocation

Proposed § 7.9 provides that MSHA may revoke an approval granted under Part 7 whenever a product fails to meet the applicable technical requirements specified in a subpart or creates a hazard when used in a mine. This differs from the preproposal draft in that failure to comply with the accepted quality control plan or inspection and testing instructions would have been a basis for revocation of an approval granted under this part. This change conforms with the quality assurance proposal in § 7.5.

One commenter suggested that MSHA's authority to revoke an approval under Part 7 should be limited to instances when an approved product fails to meet the technical requirements or when an approval-holder fails to correct deficiencies discovered in an approved product. MSHA anticipates that revocation actions, when necessary, would be based on products which do not meet the technical requirements for that product, or which present a hazard.

The preproposal draft did not contain revocation procedures. However, in the preamble to the draft proposal MSHA indicated that the development of such procedures was under consideration and requested comments. Commenters recommended that any revocation procedures should require MSHA to fully describe the "cause" of a revocation action and include an appeal process to provide the approval-holder with an opportunity to challenge the basis for such action. MSHA continues to believe that revocation procedures are necessary and should be developed. At this stage, the Agency considers uniform revocation procedures applicable to all MSHA-approved products to be appropriate. For this reason, the procedures would be developed in a separate rulemaking in which the issues raised by commenters would be addressed.

Subpart B—Brattice Cloth and Ventilation tubing

Brattice cloth and ventilation tubing are used to direct or convey ventilating air in underground mines. Because of the hazard presented by fire in underground coal mines and gassy underground metal and nonmetal mines, MSHA safety standards in 30 CFR 75.302–3 and 30 CFR 57.21049 require that brattice cloth and ventilation tubing be flame-resistant. The coal mine standard requires brattice cloth and ventilation tubing to have a flame spread index of 25 or less as determined by the American Society for Testing and Materials (ASTM) standards E–84, Surface Characteristics of Building Materials, or E–162, Surface Flammability of Materials Using a Radiant Heat Energy Source. However, various studies and flammability evaluations by MSHA's Approval and Certification Center have shown that the ASTM tests are not optimum for evaluating the flammability of brattice cloth and ventilation tubing. For example, these tests do not evaluate the materials under the conditions of use in a mining environment and can yield varying test results. In some MSHA tests, certain brattice materials that had a flame spread index of 25 or less based on the existing test procedures were shown to propagate flames and be consumed in large-scale tests that were more representative of the mining environment.

The test procedures and criteria in Subpart B are the result of MSHA's efforts to develop more appropriate standardized small-scale flammability

tests. A large-scale flammability test, using a mine fire gallery and a manner of testing the materials that simulated their use in the mining environment, was developed for brattice and ventilation tubing by the MSHA Approval and Certification Center. Results from the large-scale test were repeatable and the test provided an appropriate method for evaluating the flame resistance of brattice and ventilation tubing. However, the large-scale test required an expensive fire gallary facility and large amounts of samples for testing. MSHA believed it would not be feasible for manufacturers or independent laboratories to construct the large-scale fire gallery and perform the test. Therefore, MSHA began development of a smaller-scale laboratory test that would correlate with the large-scale test. The small-scale test described in this proposal was found to produce repeatable, objective test results which appropriately assess the flame resistance of brattice cloth and ventilation tubing in the context of the mining environment; and would permit the flame-resistance testing of these materials to be conducted in a relatively inexpensive manner.

Initially, a prototype test approximately one-fourth the size of the large-scale test was devised. However, test results were very erratic and correlation with the large-scale test was poor. Further analysis and test development work was conducted resulting in a small-scale laboratory test apparatus that produced excellent correlation with the large-scale test, provided that certain critical factors were controlled, including gallery dimensions and certain design elements. These factors are critical for obtaining correlation and repeatable test results. For example, the requirements for construction of the small-scale test gallery described in the proposal minimize thermal reflection from the walls to the test sample while maintaining uniform heat insulation characteristics and uniform air flow in the sample test area. The design of the ignitor, also specified in the proposal, provides a controlled and consistent flame during the igniting process. Through numerous trials, MSHA found this type of ignitor design produces a reliable and uniform igniting source.

Due to the fire dynamics during testing, MSHA believes these design characteristics are essential in obtaining uniform and consistent test results. Variations in the principal parts of the apparatus, such as thickness of insulation and dimensions associated with the tapering of the duct section and fan housing, would produce different heat changes and nonuniform air flow. This would disturb the burning process and yield unreliable results. However, where variations do not affect the reliability of the test results, MSHA has not specified design characteristics, and would allow design flexibility.

The test gallery is large enough to permit evaluation of brattice cloth samples 40 inches wide and 48 inches long. This size of brattice sample allows for shrinkage of plastic brattice cloth prior to burning and permits a reliable assessment of flame propagation. The air flow requirements in the test are also reflective of the conditions of use for this material and optimal for promoting flame propagation. The small-scale test would permit the manufacturer to test the flame-resistant quality of brattice and ventilation tubing at the production site in a relatively inexpensive manner. Independent laboratories would also be able to economically construct the small-scale test and perform third party testing.

Under the proposal, applications for approval of brattice cloth or ventilation tubing would be required to include product identification information such as the trade names, and style and code numbers under which the product would be marketed, and technical specifications related to the flame resistance of the product such as the type of film, scrim, and adhesive used. Because color additives can affect the flame resistance of brattice cloth, color serves as both an indicator of the flame resistance and a product identification feature. MSHA would use the application information to evaluate the product submitted for approval as well as to identify products bearing an MSHA approval marking as those approved by the Agency.

The technical requirements would require that brattice cloth and rigid ventilation tubing be flame resistant when tested in accordance with the test procedures in the subpart. Flexible ventilation tubing would have to be manufactured using an MSHA-approved brattice cloth, with a non-combustible supporting structure, if one is used. Use of approved brattice cloth obviates the need to gallery test flexible ventilation tubing.

MSHA would require appropriate approval markings on both brattice cloth and ventilation tubing. These markings would be permanently placed on the products in a manner to allow field identification of the product as approved by the Agency. Because not all approved brattice cloth lends itself to approval markings on the cloth, the proposed rule would permit marking the edge with an MSHA-assigned color code with permanent paint or ink. Approved ventilation tubing would have to be marked on each section with an MSHA approval number.

Copies of drawings which depict some aspects of the test procedures would be available from MSHA upon request.

Subpart C—Battery Assemblies

Subpart C would replace the battery assembly approval requirements in 30 CFR 18.44 and 18.63 for battery assemblies used in underground mines where methane gas could create an explosion hazard. Under the proposal, an application for approval would be required to be accompanied by a composite drawing showing the design specifications for the battery assembly. For clear identification, the drawing would be required to be titled, dated, numbered, and include the latest revision number. An application would also need to document, through test results or mathematical calculations, that the battery assembly has sufficient ventilation.

The technical requirements for approval of battery assemblies are based on the existing requirements in § 18.44. Section 7.44(a) concerns the thickness of boxes and covers which provide physical protection for the battery. These minimum thicknesses are related to the weight of the battery and are based on the performance of M1020 steel, which is the material most commonly used for construction of the boxes and covers.

The proposal would add a new weight class for battery assemblies weighing up to 1,000 pounds and revise the construction requirements for such battery assemblies. Currently, battery boxes and covers for assemblies weighing less than 2,000 pounds must be constructed with at least 3/16-inch M1020 steel or the equivalent. The proposal would revise this requirement to 1/8-inch M1020 steel, or equivalent, for batteries weighing up to 1,000 pounds. The proposed rule would also allow other materials to be used for the boxes if they have at least the same tensile strength and impact resistance of M1020 steel.

Battery covers not constructed of M1020 steel would have to meet the impact test requirements in § 7.46. This test reveals whether impacts to the cover would bend intercell connectors, crack cells, or otherwise damage the battery. If nonmetallic materials are used for the construction of the battery box or cover, the materials would have

to be accepted by MSHA as flame-resistant under 30 CFR Part 18.

Non-metallic materials would also have to meet the temperature deflection test criteria in § 7.47. This test defines the allowable flexibility of the material due to temperature variation to ensure rigidity throughout the possible range of operating temperatures. The degree of rigidity affects the protection of the battery assembly from impact damage.

Paragraph (b) addresses the electrical conductivity and flame resistance of insulating material. Paragraph (c) would require that the battery box and cover insulating material be acid-resistant as determined by the test described in § 7.48. The acid resistance test determines whether the materials tested will chemically react with electrolyte from the battery. Paragraph (d) would require that covers be lined with insulating material. This insulation prevents the cover from shorting the battery terminals. Under paragraph (e), the covers would have to be provided with a means of securing them in a closed position to prevent loss of the cover and damage to the internal assembly. Paragraph (f) would require battery boxes to be sufficiently ventilated to prevent the build-up of flammable or toxic gases or vapors. Paragraph (g) would require that the boxes have drainage holes to prevent the accumulation of water or electrolyte leading to deterioration of the battery box.

In addition to the existing requirement that battery cells be insulated from the battery box walls, paragraph (h) would clarify that the wall insulating material must extend to the top of the battery box to prevent electrical tracking. Tracking is a current-leakage or fault path created across the surface of an insulating material due to build-up of carbon. Paragraph (i) would retain the existing requirement that cell connectors be burned on and would continue to allow use of two-bolt type bolted connectors on end terminals. "Burning" is a manufacturing method by which the connectors and the battery terminal posts, both of which are lead, are heated during assembly so that the two are fused together.

Paragraph (j) would retain the existing requirement that battery connections be designed so that the total battery potential is not available between adjacent cells. This reduces the possibility of arcing and shorting across the terminals. Paragraph (k) would require the cables to be accepted by MSHA as flame resistant under Part 18 and protected against abrasion. These measures prevent arcing due to damaged cables.

Paragraph (l) would require that a strain-relief device be installed on a cable outside the box when the battery plug and receptacle are not located on or within the battery box. Strain on the battery terminals during charging can loosen the connectors and result in arcing or sparking. The cable would have to be insulated from the device with MSHA-accepted flame-resistant insulating material so that damage to the cable jacket would not allow energization of the strain-relief device.

Paragraph (m) is new and would require that at least a ½-inch air space be between the underside of the battery cover and the top of the battery. This design would provide protection against impact damage to the battery cells.

Section 7.45 lists the critical characteristics that must be inspected or tested on each battery assembly. Section 7.49 would require that each approved battery assembly be identified by an approval plate attached to the battery box. This would allow identification of the approved product in the field. Section 7.50 would require an approval-holder to allow MSHA to audit at no cost, an approved battery assembly no more than once a year. Section 7.51 would require that the manufacturer accompany each approved battery assembly with a list of items that can be checked by the user to ensure that the battery assembly is maintained in approved condition.

Proposed § 7.52 would allow approval of battery assemblies that incorporate technology for which the specific requirements of Subpart C are not appropriate if MSHA determines that the battery assembly is as safe as those which meet the requirements of the subpart. To implement this provision, MSHA would prescribe appropriate tests and specific performance requirements when such an approval is sought.

Organizational Changes

MSHA proposes to make the following non-substantive organizational changes to Title 30 CFR. The proposed rule would remove the subchapter designations for Subchapters B through E and add a new Subchapter B, entitled "Testing, Evaluation, and Approval of Mining Products." This new Subchapter would include Parts 5 through 36 of Title 30.

IV. Drafting Information

The principal persons responsible for preparing this proposed rule are: Robert E. Marshall, Office of Technical Support, MSHA; Regina M. Flahie and Richard V. Zeutenhorst, Office of Standards, Regulations and Variances, MSHA; and Linda B. Fort, Office of the Solicitor, Department of Labor.

V. Executive Order 1291 and Regulatory Flexibility Act

In accordance with E.O. 12291, MSHA has prepared an initial analysis to identify potential costs and benefits associated with proposed Part 7. This analysis has formed the basis for the initial Regulatory Flexibility Analysis required by the Regulatory Flexibility Act. In this analysis, MSHA has determined that the proposed rule would not result in major cost increases nor have an incremental effect of $100 million or more on the economy. Therefore, the rule is not within the criteria for a major rule and a Regulatory Impact Analysis is not required.

The Regulatory Flexibility Act requires that agencies evaluate and include, wherever possible, compliance alternatives that minimize any adverse impact on small businesses when developing regulatory proposals. This proposed rule does not significantly alter the existing technical requirements for any of the products.

This new proposal would increase private-sector involvement in the approval of mining equipment. For the first time in lieu of testing only by MSHA the manufacturers or independent laboratories would test certain mining equipment. The Agency anticipates that this new procedure would reduce duplicate testing of products in some cases and eliminate associated costs and potential delays in equipment approvals. In addition, the procedure is expected to enhance the safety of miners through the more rapid introduction of technological advances in mining products.

An option has been introduced in battery assemblies which allows for a reduction in thickness for covers of small batteries. This may reduce costs for some small manufacturers. Any necessary testing of products required by MSHA either is not substantially different from that currently undertaken or it does not impose significant costs compared to the sales value of the product. Furthermore, the tests are performance-oriented so that manufacturers can choose the most cost effective option. The application procedures, quality assurance program and annual audit do not impose significant costs. The proposed Part 7 greatly clarifies the standards which must be met by industry for approval of these products and makes the approval

process more efficient, thereby reducing costs for large as well as small business.

The estimated total costs for Part 7 are specifically related to the subparts for which revised or new technical specifications are being proposed. Estimates, therefore, have been developed only for those subparts. Estimated costs for additional products will be analyzed as the subparts are proposed.

The total annual incremental costs for Subpart B, Brattice Cloth and Ventilation Tubing would range from a savings of $8,599 to a cost of $39,746. The current annual cost for testing and acceptance is estimated to be $50,584 based on the revised fee schedule to be proposed as Part 5. The annual cost of the proposed program would be a range of $41,985 to $90,330. MSHA encourages commenters to review this proposal within the context of proposed Part 5 when it is available for comment.

The total annual incremental cost for Subpart C, Battery Assemblies would result in a savings of $34,579. The total annual cost of the current program is estimated to be $1,138,580. The proposed program is estimated to cost $1,104,001, also based on the revised fee schedule. The revised application fee would be considerably less under Part 7 than it would be under the current regulation.

The total annual incremental costs for Part 7, Subparts B and C are estimated to range from a savings of $43,178 to a cost of $5,167. The aggregated annual costs for the current programs for these products is estimated to be $1,189,164, whereas the total annual costs of the proposed program for these products is estimated to be a range of $1,145,986 to $1,194,331.

VI. Paperwork Reduction Act

This proposal contains information collection requirements subject to the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.*

Proposed §§ 7.3, 7.23, and 7.43 would require applicants seeking product approval to submit an application including certification of compliance with the technical requirements. For brattice cloth and ventilation tubing, MSHA estimates there will be 60 applications a year, each requiring 30 minutes to prepare. At an estimated cost of $20 per hour, 60 applications would require 30 hours and cost $600. In addition, if a revised fee schedule is adopted, MSHA estimates an application fee of $135 each totaling $8,100 for 60 applications. For battery assemblies, MSHA estimates 28 applications a year and 1.25 hours to prepare at an hourly cost of $29 per hour for a total of 35 hours and $1,015. MSHA further estimates a revised fee of $26 each for 6 applications and $148 each for 22 applications for a total fee of $3,412 for all applications.

Under the proposal, §§ 7.4(a), 7.27(a)(8), 7.28(a)(7), 7.46(a)(3), 7.47(a)(6), and 7.48(a)(2) would require records of test results and procedures which must be retained for three years. Standard testing protocols used by the scientific community include the keeping of records of product testing. Therefore, MSHA estimates there will be no additional cost for applicants to maintain these records.

Proposed § 7.5(d) would require applicants to report to MSHA any knowledge of a product distributed with critical characteristics not in accordance with the approval specifications. MSHA estimates that each 55 approval-holders of brattice cloth and ventilation tubing may need to make a report once a year, and that each report may require 15 minutes to call or write a letter, totaling 14 hours. At $20 an hour, the cost for all reports would be $275 a year. For battery assemblies, it is estimated that each of 17 approval-holders would make one or two reports a year for an average of 1.5 reports, and that each report would require 15 minutes, for a total of 26 hours. At $29 an hour, the cost for reports on battery assemblies would be $185 a year.

The proposal would require applicants to maintain records on the distribution of each unit with an approval marking [proposed § 7.9(c)]. This provision does not specify the type of record and MSHA believes applicants will use existing sales records systems to comply. Therefore, MSHA has assigned no cost to this requirement.

Proposed § 7.51 would require the applicant to include a permissibility checklist with each battery assembly sold. MSHA estimates that it would require two hours to develop the checklist. At $29 an hour, the one-time cost would be two hours or $58 for each of 17 applicants or a total of 34 hours and $986. To insert a copy of the checklist in each battery sold, MSHA estimates one minute times 1,375 batteries a year or 23 hours. At $29 an hour, the cost would be $667 a year.

MSHA specifically solicits comments on the merits and impact of these requirements. Comments should be submitted to the Office of Information and Regulatory Affairs of the Office of Management and Budget marked, "Attention: Desk Officer for Mine Safety and Health Administration". The final rule will respond to any comments on the information collection requirements.

List of Subjects in 30 CFR Part 7

Mine safety and health, Underground mining.

Dated: January 31, 1986.

David A. Zegeer,

Assistant Secretary for Mine Safety and Health.

Therefore, it is proposed that Title 30 of the Code of Federal Regulations be amended as follows:

PART 18—[AMENDED]

1. The authority citation for Part 18 is revised to read as set forth below and the authority citation preceding Subpart E is removed.

Authority: 30 U.S.C. 3, 7, 957, 961.

2. Amend § 18.44 by revising the section heading; revising paragraphs (a) and (b), removing paragraphs (c), (d), (e), (f), (g), (h), (i), and (k); and revising and redesignating paragraph (j) as new paragraph (c) to read as follows:

§ 18.44 Nonintrinsically safe battery-powered equipment.

(a) Battery-powered equipment shall use battery assemblies approved under Part 7 of this chapter, or battery assemblies accepted or certified under this part part prior to [insert date one year after the effective date of § 7.41 of this chapter].

(b) Battery box covers shall be secured in a closed position.

(c) Each wire or cable leaving a battery box on storage-battery-operated equipment shall have short-circuit protection in an explosion-proof enclosure as close as practicable to the battery terminals. A protective device installed within a nearby explosion-proof enclosure will be acceptable provided the exposed portion of the cable from the battery box to the enclosure does not exceed 36 inches in length; in addition, special care shall be taken to protect each wire or cable from damage.

3. Remove § 18.63, and reserve section number 18.63, as follows:

§ 18.63 [Removed and Reserved]

4. The subchapter designations and headings for subchapters B through E are removed and a new heading for Subchapter B, entitled "Subchapter B—Testing, Evaluation and Approval of Mining Products" is added. [Subchapter B would include Parts 5 through 36.

5. Add a new Part 7 to Subchapter B, to read as follows:

PART 7—TESTING BY APPLICANT OR THIRD PARTY

Subpart A—General Provisions

Subpart B—Brattice Cloth and Ventilation Tubing

Subpart C—Battery Assemblies

Authority: 30 U.S.C. 957.

Subpart A—General Provisions

§ 7.1 Purpose and scope.

This part sets out requirements for MSHA approval of certain equipment and materials for use in underground mines. These requirements apply to products listed in the subparts following Subpart A of this part. After the dates specified in the following subparts, approval of products that meet these requirements shall be requested in accordance with the applicable subpart of this part.

§ 7.2 Definitions.

The following definitions apply in this part.

Applicant. An individual or organization that manufactures or controls the assembly of a product and that applies to MSHA for approval of that product.

Approval. A document issued by MSHA which states that a product has met the requirements of this part and which authorizes an approval marking identifying the product as approved.

Authorized company official. The applicant or a representative of the applicant who has the authority to bind the applicant.

Critical characteristic. A feature of a product which requires inspection or testing to ensure that the feature conforms to the technical requirements specified in the appropriate subpart of this part.

Extension of approval. A document issued by MSHA which states that the change to a product previously approved by MSHA under this part meets the requirements of this part and which authorizes the continued use of the approval marking after the appropriate extension number has been added.

Post-approval product audit. Examination, testing, or both, by MSHA of approved products selected by MSHA to determine whether those products meet the technical requirements and have been manufactured as approved.

Technical requirements. The design and performance requirements for a product, as specified in a subpart of this part.

Test procedures. The method specified in a subpart of this part used to determine whether a product meets the technical requirements.

§ 7.3 Application procedures and requirements.

(a) *Application.* Requests for an approval or extension of approval shall be sent to: U.S. Department of Labor, Mine Safety and Health Administration, Approval and Certification Center, R.R. #1, Box 251, Industrial Park Road, Triadelphia, West Virginia 26059.

(b) *Fees.* Fees calculated in accordance with Part 5 of this title shall be submitted in accordance with § 5.20.

(c) *Original approval.* Each application for approval of a product shall include—

(1) A brief description of the product;

(2) The documentation specified in the appropriate subpart of this part;

(3) The name, address, and telephone number of the applicant's representative responsible for answering any questions regarding the application; and

(4) The place and date for product testing.

(d) *Subsequent approval of a similar product.* Each application for a product similar to one for which the applicant already holds an approval shall include–

(1) The approval number for the product which most closely resembles the new one;

(2) The information specified in paragraph (c) of this section for the new product, except that any document which is the same as one listed by MSHA in the prior approval need not be submitted but shall be noted in the application;

(3) An explanation of any change from the existing approval; and

(4) A statement as to whether the change requires product testing. If testing will not be conducted, the applicant shall explain the reasons for not testing.

(e) *Extension of an approval.* Any change in the approved product from the documentation on file at MSHA that affects the technical requirements of this part shall be submitted to MSHA for approval prior to implementing the change. Each application for an extension of approval shall include—

(1) The MSHA-assigned approval number for the product for which the extension is sought;

(2) A brief description of the proposed change to the previously approved product;

(3) Drawings and specifications which show the change in detail;

(4) A statement as to whether the change requires product testing and, if testing will not be conducted, an explanation of the reasons for not testing;

(5) The place and date for product testing, if testing will be conducted; and

(6) The name, address, and telephone number of the applicant's representative responsible for answering any questions regarding the application.

(f) *Certification statement.* (1) Each application for original approval, subsequent approval, or extension of approval of a product shall include a certification by the applicant that the product meets the design criteria as specified in the appropriate subpart and that the applicant will perform the quality assurance functions specified in § 7.5. For a subsequent approval or extension of approval, the applicant shall also certify that the proposed change cited in the application is the only change.

(2) After completion of the required product testing, the applicant shall certify that the product has been tested and performs as specified in the appropriate subpart.

(3) All certification statements shall be signed by an authorized company official.

§ 7.4 Product testing.

(a) When testing is required, products submitted for approval under this part shall be tested using the test procedures specified in the appropriate subpart.

Applicants shall maintain records of test results and procedures for three years.

(b) When MSHA elects to observe product testing, the applicant shall permit an MSHA official to be present at a mutually agreeable date, time, and place.

§ 7.5 Quality assurance.

Applicants granted an approval or an extension of approval under this part shall—

(a) Inspect or test, or both, the critical characteristics identified in the appropriate subpart of this part;

(b) Calibrate instruments used for the inspection and testing of critical characteristics at least as frequently as, and according to, the instrument manufacturer's specifications, using calibration standards traceable to those set by the National Bureau of Standards, U.S. Department of Commerce or other nationally recognized standards;

(c) Control drawings and specifications so that the product is manufactured as approved;

(d) Report to the MSHA Approval and Certification Center, Office of Quality Assurance, any knowledge of a product distributed with critical characteristics not in accordance with the approval specifications.

§ 7.6 Issuance of approval.

(a) An applicant shall not advertise or otherwise represent a product as approved until MSHA has issued the applicant an approval.

(b) MSHA will issue an approval or a notice denying approval after reviewing the application, and the results of product testing, when applicable. An approval will identify any documents upon which the approval is based.

§ 7.7 Approval marking and distribution record.

(a) Each approved product shall have an approval marking as specified in the appropriate subpart of this part.

(b) For an extension of approval, the extension number shall be added to the original approval number on the approval marking.

(c) Applicants shall maintain records of their distribution of each unit having an approval marking. Records shall be retained for the projected service life of the product as determined by the applicant.

§ 7.8 Post-approval product audit.

Upon request by MSHA but no more than once a year except for cause, the approval-holder shall make approved products available for audit at no cost and at a mutually agreeable site and time.

§ 7.9 Revocation.

MSHA may revoke for cause an approval issued under this part if the product fails to meet the applicable technical requirements or creates a hazard when used in a mine.

Subpart B—Brattice Cloth and Ventilation Tubing

§ 7.21 Purpose and effective date.

This subpart establishes the specific requirements for approval of brattice cloth and ventilation tubing. Applications for approval or extension of approval submitted after [date one year after the effective date of this subpart] shall meet the requirements of this part.

§ 7.22 Definitions.

The following definitions apply in this subpart:

Brattice cloth. A curtain of jute, plastic, or similar material used to control or direct ventilating air.

Denier. A unit of yarn size indicating the fineness of fiber of material based on the number of grams in a length of 9,000 meters.

Film. A sheet of flexible material applied to a scrim by pressure, temperature, adhesion, or other method.

Scrim. A substrate material of plastic or fabric laminated between or coated with a film.

Ventilation tubing. Rigid or flexible tubing used to convey ventilating air.

§ 7.23 Application requirements.

(a) *Brattice cloth.* A single application may address two or more products if the products differ only in: weight of the finished product; weight or weave of the same fabric or scrim; or thickness or layers of the same film. Applications shall include the following information:

(1) Trade name.

(2) Product designations (for example, style and code number).

(3) Color.

(4) Type of brattice (for example, plastic or jute).

(5) Weight of finished product.

(6) Film: type, weight, thickness, supplier, supplier's stock number or designation, and percent of finished product by weight.

(7) Scrim: type, denier, weight, weave, the supplier, supplier's stock number or designation, and percent of finished product by weight.

(8) Adhesive: type, supplier, supplier's stock number or designation, and percent of finished product by weight.

(b) *Flexible ventilation tubing.* Applications shall include the product description information in paragraph (a) of this section and list the type of supporting structure, if applicable; inside diameters; and configurations.

(c) *Rigid ventilation tubing.* A single application may address two or more products if the products differ only in diameters, lengths, configuration or average wall thickness. Applications shall include the following information:

(1) Trade name.

(2) Product designations (for example, style and code numbers).

(3) Color.

(4) Type of ventilation tubing (for example, fiberglass, plastic, or polyethylene).

(5) Inside diameter, configuration, and average wall thickness.

(6) Suspension system (for example, metal hooks).

(7) Base material: type, supplier, the supplier's stock number, and percent of finished product by weight.

(8) Resin: type, supplier, the supplier's stock number, and percent of finished product by weight.

(9) Flame retardant, if added during manufacturing: type, supplier, the supplier's stock number, and percent of finished product by weight.

§ 7.24 Technical requirements.

(a) Brattice cloth shall be flame resistant when tested in accordance with the flame resistance test in § 7.27.

(b) Flexible ventilation tubing shall be manufactured using an MSHA-approved brattice cloth. If a supporting structure is used, it shall be metal or other noncombustible material which will not ignite, burn, support combustion or release flammable vapors when subjected to fire or heat.

(c) Rigid ventilation tubing shall be flame resistant when tested in accordance with the flame resistance test in § 7.28.

§ 7.25 Critical characteristics.

A sample of each batch or lot of brattice cloth and ventilation tubing shall be flame tested or the materials that contribute to flame-resistance shall be inspected or tested to ensure that the finished product will meet the flame resistance test.

§ 7.26 Flame test apparatus.

The principal parts of the apparatus to test for flame resistance of brattice cloth and ventilation tubing shall be constructed as follows:

(a) A 16-gauge stainless steel gallery lined on the top, bottom and both sides with ½-inch thick Marinite or equivalent insulating material yielding inside dimensions approximately 58 inches long, 41 inches high, and 30 inches wide;

(b) Two ⅜-inch-diameter-steel J-hooks and a 9/16-inch-diameter-steel rod to support the sample so that the sample is located approximately 2 3/16 inches from the front and back ends of the test gallery 1½ inches from the ceiling insulation and centrally located in the gallery along its length. Samples shall be suspended to preclude folds or wrinkles;

(c) A tapered 16 gauge stainless steel duct section tapering from a cross-sectional area measuring 2 feet 7-inches wide by 3 feet 6-inches high at the test gallery to a cross-sectional area 1 foot 6-inches square over a length of 3 feet. The tapered duct section must be tightly connected to the test gallery;

(d) A 16-gauge stainless steel fan housing, consisting of a 1-foot-6-inch-square section 6-inches long followed by a 10-inch-long section which tapers from 1 foot 6-inches square to 12-inches-diameter-round and concluding with a 12-inch-diameter-round collar 3 inches long. A variable speed fan capable of producing an air velocity of 125 ft/min in the test gallery must be secured in the fan housing. The fan housing must be tightly connected to the tapered duct section;

(e) A methane-fueled impinged jet burner igniting source, measuring 12 inches long from the threaded ends of the first and last jets and 4 inches wide with 12 impinged jets, approximately 1⅜ inches long and spaced alternately along the length of the burner tube. The burner jets must be canted so that they point toward each other in pairs and the flame from these pairs impinge upon each other.

§ 7.27 Test for flame resistance of brattice cloth.

(a) *Test procedures.* (1) Prepare 6 samples of brattice cloth 40-inches wide by 48 inches long.

(2) Prior to testing, condition each sample for a minimum of 24 hours at a temperature of 70±10°F(21±5.5°C) and a relative humidity of 55±10%.

(3) For each test, suspend the sample in the gallery by wrapping the brattice cloth around the rod and clamping each end and the center. The brattice cloth must hang 4 inches from the gallery floor.

(4) Use a front exhaust system to remove smoke escaping from the gallery. The exhaust system must remain on during all testing, but not affect the air flow in the gallery.

(5) Set the methane-fueled impinged jet burner to yield a flame height of 12 inches as measured at the outermost tip of the flame.

(6) Apply the burner to the front lower edge of the brattice cloth and keep it in contact with the material for 25 seconds or until 1 foot of material, measured horizontally, is consumed, whichever occurs first. If the material shrinks during application of the burner flame, move the burner flame to maintain contact with 1 foot of the material. If melting material might clog the burner orifices, rotate the burner slightly during application of the flame.

(7) Test 3 samples in still air and 3 samples with an average of 125 ft/min of air flowing past the sample.

(8) Record the propagation length and duration of burning for each of the 6 samples. The duration of burning is the total burning time of the specimen during the flame test. This includes the burn time of any material that falls on the floor of the test gallery during the igniting period. However, the suspended specimen is considered burning only after the burner is removed. Should the burning time of a suspended specimen and a specimen on the floor coincide, count the coinciding burning time only once.

(9) Calculate the average duration of burning for the first 3 samples (still air) and the second 3 samples (125 ft/min air flow).

(b) *Acceptable performance.* The brattice cloth shall meet the following criteria:

(1) Flame propagation of less than 4 feet in each of the six tests.

(2) An average duration of burning of less than 1 minute in both groups of three tests.

(3) A duration of burning not exceeding two minutes in each of the six tests.

§ 7.28 Test for flame resistance of rigid ventilation tubing.

(a) *Test procedures.* (1) Prepare 6 samples of ventilation tubing 48 inches in length with all flared or thickened ends removed. Any sample with a cross-sectional dimension greater than 24 inches must be tested in a 24-inch size.

(2) For each test, suspend the sample in the center of the gallery by running a wire through the 48-inch length of tubing.

(3) Use a front exhaust system to remove smoke escaping from the gallery. The exhaust system must remain on during all testing but not affect the air flow in the gallery.

(4) Set the methane-fueled impinged jet burner to yield a flame height of 12 inches as measured at the outermost tip of the flame.

(5) Apply the burner to the front lower edge of the tubing so that two-thirds of the burner is under the tubing and the remaining third is exposed to allow the flames to curl onto the inside of the tubing. Keep the burner in contact with the material for 60 seconds. If melting material might clog the burner orifices, rotate the burner slightly during application of the flame.

(6) Test 3 samples in still air and 3 samples with an average of 125 ft/min of air flowing past the sample.

(7) Record the propagation length and duration of burning for each of the 6 samples. The duration of burn is the total burning time of the specimen during the flame test. This includes the burning time of any material that falls on the floor of the test gallery during the igniting period. However, the suspended specimen is considered burning only after the burner is removed. Should the burning time of a suspended specimen and a specimen on the floor coincide, count the coinciding burn time only once.

(8) Calculate the average duration of burning for the first 3 samples (still air) and the second 3 samples (125 ft/min air flow).

(b) *Acceptable performance.* The ventilation tubing shall meet each of the following criteria:

(1) Flame propagation of less than 4 feet in each of the 6 tests.

(2) An average duration of burning of less than 1 minute in both groups of 3 tests.

(3) A duration of burning not exceeding 2 minutes in each of the 6 tests.

§ 7.29 Approval marking.

(a) Approved brattice cloth shall be legibly and permanently marked with the assigned MSHA approval number at intervals not exceeding ten feet. If the nature of the material or method of processing makes such marking impractical, permanent paint or ink may be used to mark the edge with an MSHA-assigned color code.

(b) Approved ventilation tubing shall be legibly and permanently marked on each section with the assigned MSHA approval number.

(c) An approved product shall be marketed only under a brand or trade name that has been furnished to MSHA.

§ 7.30 Post-approval product audit.

Upon request by MSHA but no more than once a year except for cause, the approval-holder shall supply to MSHA at no cost up to fifty feet of each approved design of brattice cloth and ventilation tubing for inspection and testing.

Subpart C—Battery Assemblies

§ 7.41 Purpose and effective date.

This subpart establishes the specific requirements for MSHA approval of

battery assemblies intended for use in approved equipment in underground mines. Applications for approval or extensions of approval submitted after [date one year after effective date of this subpart] shall meet the requirements of this part.

§ 7.42 Definitions.

The following definitions apply in this subpart:

Battery assembly. Battery boxes, covers, and cells.

Battery box. The exterior sides, bottom, and connector receptacle compartment, if any, of a battery assembly. For the purposes of this subpart, the terms battery box and battery tray mean the same but do not include internal partitions.

§ 7.43 Application requirements.

(a) An application for approval of a battery assembly shall include a composite drawing with the following information:

(1) Overall dimensions of the battery assembly, including the minimum distance from the underside of the cover to the top of the terminals and caps.

(2) Composition materials and thicknesses of the battery box and cover.

(3) Method of securing covers.

(4) Documentation of flame-resistance of insulating materials and cables.

(5) Number, type, and rating of the battery cells.

(6) Diagram of battery connections between cells and between trays.

(7) Total weight of the battery, charged and ready for service.

(8) Complete specifications of the materials for battery cells, intercell connectors, filler caps, and battery top for nonmetallic cover designs where cover support blocks are used, or where the cover comes into contact with any portion of the cells, caps, filler material, battery top, or intercell connectors during the impact test specified by § 7.46.

(b) All drawings shall be titled, dated, numbered, and include the latest revision number.

(c) An application shall contain documentation to demonstrate adequate battery assembly ventilation.

§ 7.44 Technical requirements.

(a)(1) Battery boxes and covers constructed of M1020 steal shall have the following minimum thicknesses based on the total weight of the battery, charged and ready for service:

Weight of battery	Minimum required thickness
1000 lbs maximum	10 gauge or ⅛" nominal.
1,001 to 2,000 lbs	7 gauge or 3/16" nominal.
2,001 to 4,500 lbs	3 gauge or ¼" nominal.
Over 4,500 lbs	0 gauge or 5/16" nominal.

(2) Battery boxes constructed of materials other than M1020 steel shall have at least the tensile strength and impact resistance of those for the same weight class listed in paragraph (a)(1).

(3) Covers constructed of materials other than M1020 steel shall meet the impact test requirements of § 7.46. Nonmetallic covers shall be used only in the battery assembly configuration in which they pass the impact test.

(4) Nonmetallic materials for boxes and covers shall—

(i) Be accepted by MSHA as flame-resistant material under Part 18 of this chapter; and

(ii) Meet the deflection temperature criteria of § 7.47.

(b) All insulating material shall have a minimum resistance of 100 megohms at 500 volts d.c. and be accepted by MSHA as flame resistant under Part 18 of this chapter.

(c) Battery box and cover insulating material shall be acid-resistant as determined by the acid resistance test specified in § 7.48.

(d) Covers shall be lined with insulating material permanently bonded to the inside of the cover, unless the cover is constructed of insulating material.

(e) Covers, including those used over connector receptacle housings, shall be provided with a means of securing them in a closed position.

(f) Battery boxes shall be sufficiently ventilated to prevent the accumulation of flammable or toxic gases or vapors within the battery assembly. The size and locations of openings shall prevent direct access to cell terminals.

(g) Battery boxes shall have drainage holes to prevent accumulation or water of electrolyte.

(h) Battery cells shall be insulated from the battery box walls and supported on insulation material, unless the battery box is constructed of insulating material. Wall insulating material shall extend to the top of the wall.

(i) Cell terminals shall be burned on. Two-bolt type bolted connectors may be used on end terminals.

(j) Battery connections shall be designed so that total battery potential is not available between adjacent cells.

(k) Cables within a battery box shall be accepted by MSHA as flame resistant under Part 18 of this chapter. The cables shall be protected against abrasion by insulation, location, clamping, or other effective means.

(l) When the battery plug and receptacle are not located on or within the battery box, a strain-relief device shall be installed on the cable to prevent strain on the battery terminals. Insulating material shall be placed between the device and cable, unless the strain-relief device is constructed of insulating materials.

(m) At least a ½-inch air space shall be provided between the underside of the battery cover and the top of the battery, including the terminals and connectors.

§ 7.45 Critical characteristics.

The following critical characteristics shall be inspected or tested on each battery assembly to which an approval marking is affixed:

(a) Thickness of covers and boxes.

(b) Application of insulating material.

(c) Size and location of ventilation openings.

(d) Method of cell terminations.

(e) Strain-relief devices for cables leaving boxes.

(f) Type, location, and physical protection of cables.

§ 7.46 Impact test.

(a) *Test Procedures.* (1) Prepare four covers for testing. Prior to testing, condition two covers at −13 °F (−25 °C) and two covers at 122 °F (50 °C) for a period of 48 hours.

(2) Mount the covers on a battery box of the same design to be approved, including any support blocks and with the cells completely assembled. If used, support blocks must contact only the filler material located between the individual cells. Apply a dynamic force of 200 ft lbs to the following areas:

(i) At the center of the two largest unsupported areas.

(ii) Above at least two support blocks, if applicable, and on at least two corners. If the design consists of both inside and outside corners, test one of each.

(iii) Above at least two intercell connectors, one cell, and one filler cap.

(3) Record the condition of the covers, supports, intercell connectors, filler caps, cell covers, and filler material.

(b) *Acceptable performance.* Impact tests of any cover shall not result in any of the following:

(1) Bent intercell connectors.

(2) Cracked or broken filler caps, except plastic tabs which extend from the body of the filler caps.

(3) Cracks in the cell cover, cells, or filler material.

(4) Cracked or bent supports.

(5) Cracked or splintered battery covers.

§ 7.47 Deflection temperature test.

(a) *Test procedures.* (1) Prepare two samples for testing, measuring 5 inches by ½-inch by the thickness of the material. Prior to testing, condition the samples at 73.4±3.6 °F (23±2 °C) and 50±5% relative humidity for at least 40 hours.

(2) Place a sample on supports which are 4 inches apart and immersed in a heat transfer medium at room temperature. The heat transfer medium must be a liquid which will not chemically affect the sample. The testing apparatus must be constructed so that expansion of any components during heating of the medium does not result in deflection of the sample.

(3) Place a temperature measuring device with an accuracy of 1% into the heat transfer medium within ⅛ inch of, but not touching, the sample.

(4) Apply a total load, in pounds, numerically equivalent to 11 times the thickness of the sample, in inches, to the sample midway between the supports using a ⅛–inch radius, rounded contact. The total load includes that weight used to apply the load and any force exerted by the deflection measurement device.

(5) Use a deflection measuring device to measure the deflection of the sample at the point of loading as the temperature of the medium is increased at a uniform rate of 2±0.2 °C/min. Apply the load to the sample for 5 minutes prior to heating, to allow compensation for creep due to the loading temperature.

(6) Record the deflection temperature at which the sample deflects .010 inch due to heating.

(b) *Acceptable performance.* Neither sample shall have a deflection temperature less than 180°F (82°C).

§ 7.48 Acid resistance test.

(a) *Test procedures.* (1) Prepare a representative sample of the insulated surfaces of the battery box and of the cover, measuring at least 4 inches by 8 inches by the thickness of the material.

(2) Cover the samples with a 25% solution (1.3 specific gravity) of sulfuric acid (H_2SO_4) for 7 days

(3) After 7 days, record the condition of the samples.

(b) *Acceptable performance.* At the end of the test, the insulation shall not exhibit any blistering, discoloration, cracking, swelling, tackiness, rubberiness, or loss of bond.

§ 7.49 Approval marking.

Each approved battery assembly shall be identified by a legible and permanent approval plate inscribed with the assigned MSHA approval number and securely attached to the battery box.

§ 7.50 Post-approval product audit.

Upon request by MSHA but not more than once a year except for cause, the approval-holder shall make a battery assembly available for audit at no cost and at a mutually agreeable site and time.

§ 7.51 Permissibility checklist.

Each battery assembly bearing an MSHA approval marking shall be accompanied by a list of items necessary for maintenance of the battery assembly as approved.

§ 7.52 New technology.

MSHA may approve a battery assembly that incorporates technology for which the requirements of this subpart are not applicable if MSHA determines that the battery assembly is as safe as those which meet the requirements of this subpart.

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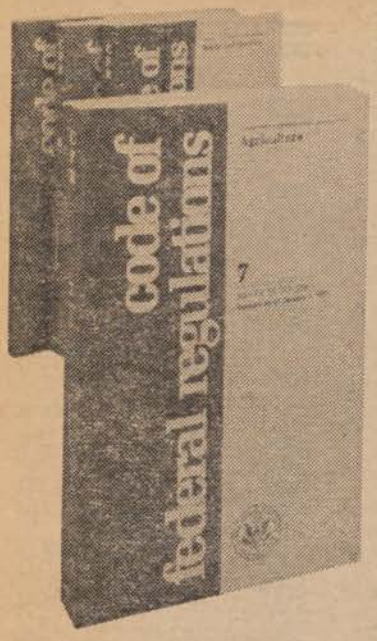

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